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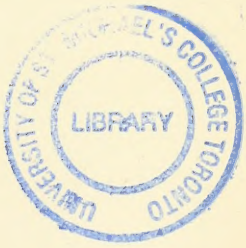

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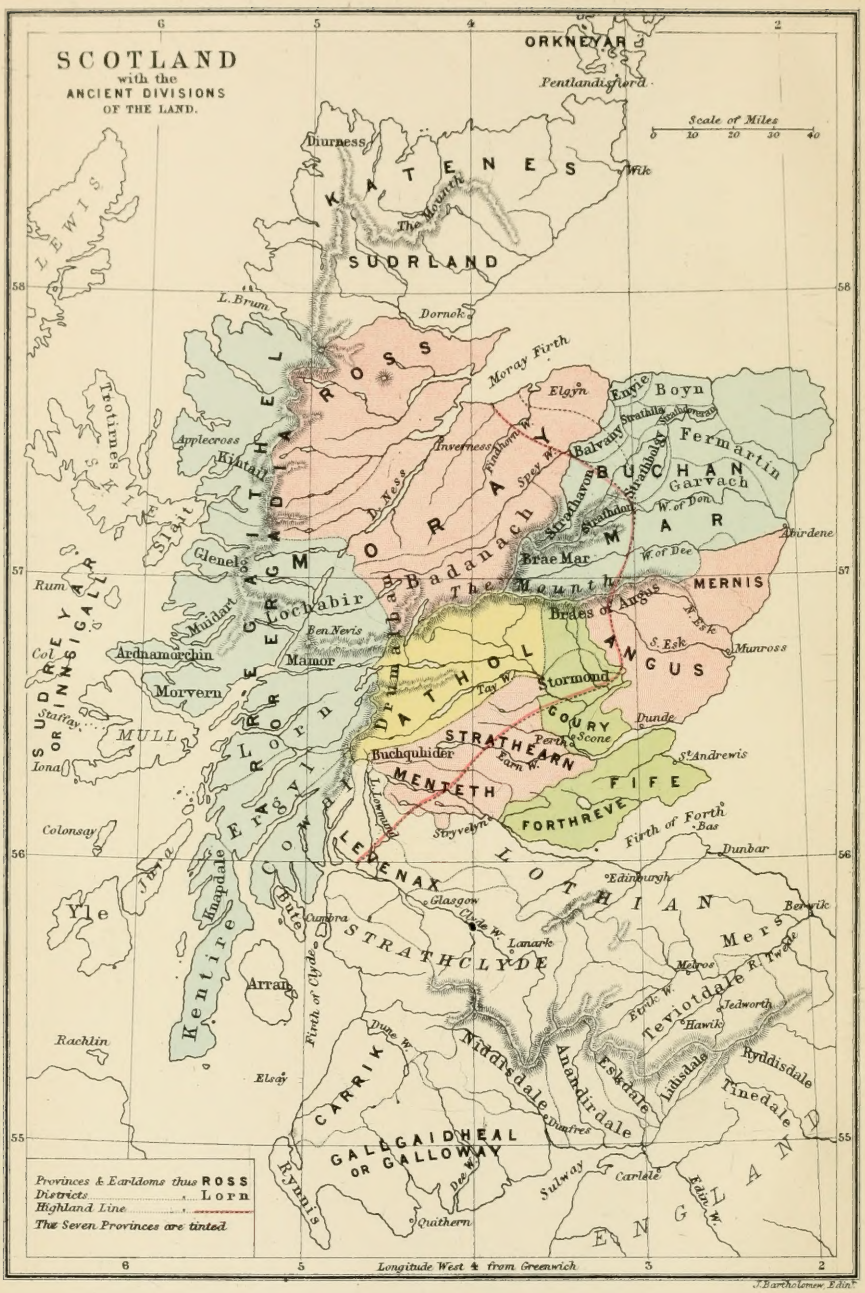
SCOTLAND
with the
ANCIENT DIVISIONS
OF THE LAND.
Scale of Miles
0 10 20 30 40
ORKNEYAR
Pentlandsfirth
Caithness
Wick
KATENES
SUDRLAND
The Mouth
Dornoch
L. Brum
Lewis
Trotternish
Applecross
Kintail
ROSS
Moray Firth
Elgin
Enzie
Boyn
Strathbogie
Fermartin
Garvach
BUCHAN
MAR
Aberdene
W. of Don
W. of Dee
Inverness
Findhorn W.
Spey W.
Balvany
Strathbogie
Strathdon
Strathdown
Brae Mar
The Mounth
MERNIS
Brades of Angus
S. Esk
N. Esk
Munross
ANGUS
Rum
Glenelg
Lochabir
Badanach
Sleat
Minard
Ben Nevis
Col
Ardnamorchin
Mamor
Morvern
Staffay
MULL
Iona
SUDREYAR
OR
INNSEGALL
Tay W.
Stormond
COURY
Dundee
Scone
Perth
STRATHEARN
Earn W.
Buchquhider
St Andrewis
MENTETH
FIFE
Lomond
Stuyvelyn
FORTHREVE
Firth of Forth
Bas
Colonsay
Dunbar
LENNOX
Edinburgh
LOTHIAN
Berwik
Mers
Yle
Jura
Knapdale
Cumbra
Bute
Glasgow
Clyde W.
Lanark
STRATHCLYDE
Melrose
Jedworth
Hawik
Tevidale
Kentire
Arran
Firth of Clyde
Rachlin
Elsay
Dune W.
Nidisdale
Annandirdale
Eskdale
Liddisdale
Ryddisdale
Tinedale
CARRIK
Dumfres
GALLGAIDHEAL
OR GALLOWAY
Kynnis
Dee W.
Quithern
Sulway
Carlele
Eden W.
ENGLAND
Provinces & Earldoms thus ROSS
Districts ..... Lorn
Highland Line
The Seven Provinces are tinted.
Longitude West & from Greenwich
J. Bartholomew Edin.r

CELTIC SCOTLAND:

A HISTORY OF

Ancient Alban

BY

WILLIAM F. SKENE, D.C.L., LL.D.

HISTORIOGRAPHER-ROYAL FOR SCOTLAND.

VOLUME III.

LAND AND PEOPLE.

SECOND EDITION.

EDINBURGH: DAVID DOUGLAS

1890

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PREFACE TO THE SECOND EDITION.

A NEW edition of this the third and last volume of Celtic Scotland having now been called for, the author is glad to have this opportunity of correcting any mistakes of the press which have occurred in it. As this volume deals with the early land tenures and social condition of the Celtic inhabitants of Scotland, in which a number of obsolete terms and old Celtic words occur, it is peculiarly liable to mistakes of this kind, and the author has revised the text in this view with great care, but he does not find that he has any material alteration to make in the views he has expressed, or the conclusions he has come to, as these are, in fact, the outcome of years of careful research into this very obscure subject.

EDINBURGH, 27 INVERLEITH ROW,
7th July 1890.

PREFACE TO THE FIRST EDITION.

This volume completes the task which the author set before himself of illustrating the history of Scotland during the Celtic period, when it bore the name of Alban, and of endeavouring to dispel those fables which have hitherto obscured it. Like the other volumes, this third volume forms in itself a substantive work. Its title is 'Land and People,' and its subject, 'The early land tenures and social condition of the Celtic inhabitants of Scotland' (vol. i. p. 28). The real history of a country may be said only truly to commence when we come to deal with the social and political organisation of its population. The ethnology of the nations which compose it—the history of its kings, their reigns, and the various wars in which they engaged—the extension or restriction of the frontiers of their kingdom—the introduction of Christianity and the establishment of a Christian Church, are all great landmarks and important features of its history; but still they are merely the outward bulwarks of the kingdom as a whole, and present it to us in its external relations only. Till we know something of the distribution within the country of the various races which formed

its population, their relative growth and decay, their social organisation, and the extent to which its peculiar features were preserved, and influenced and coloured the future condition of the entire population formed by the amalgamation of its various elements, we know little of its real history.

To supply, at least to some extent, this information is the main purpose of the present volume, which the author fears has been very inadequately carried into effect, and its publication has been from unavoidable causes delayed much beyond the period when it ought to have appeared. It was commenced two years ago, when its progress was interrupted partly owing to his illness, under the depressing influence of which part of the volume has indeed been written, but mainly because the publication of the fourth volume of the Ancient Irish Laws, which was to contain tracts relating to the early land tenure in Ireland, had likewise been unavoidably delayed, and the author felt that, without consulting these tracts, he could not satisfactorily treat of the old tribal system from which the ancient Celtic land tenures in Scotland derived their origin, and without a knowledge of which their true character could hardly be ascertained. The author was, however, at length enabled to complete this part of his volume through the courtesy of the editor, who, with the kind permission of the Lord Bishop of Limerick, chairman of the Brehon Law Commission, communicated to him the proof-sheets of the text and translation of these tracts, but it was not till

after this volume had in the main been printed, and was almost through the press, that the fourth volume of the Ancient Laws of Ireland was at length published, and the author had any opportunity of reading the introduction; and thus in compiling that part of his volume he had unfortunately not the benefit of the learned editor's commentary upon these tracts.

The author has to record his thanks to his friends: Mr. Alexander Carmichael for the instructive account of three of the Long Island townships embodied in the last chapter; W. M. Hennessy, Esq., of the Public Record Office, Dublin, for the curious poem relating to the Kingdom of the Isles, with its translation; and Captain Thomas for the old description of the Isles, both printed in the Appendix, Nos. II. and III. He has also, as formerly, to thank Mr. John Taylor Brown for his ready aid in revising his proof-sheets; and he takes this opportunity when completing his work of recording his sense of the valuable assistance and advice he has received throughout from his excellent publisher, Mr. David Douglas.

The volume containing the History and Ethnology of the kingdom was brought down to the end of the reign of Alexander the Third, the last of the old dynasty of Celtic monarchs, which terminated with his death in the year 1284, and it is with the same reign that our narrative in treating of the 'Land and People' must now commence.

EDINBURGH, 27 INVERLEITH ROW,
1st October 1880.

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BOOK III.

LAND AND PEOPLE.

CHAPTER I.

SCOTLAND IN THE REIGN OF ALEXANDER THE THIRD.

Consolidation of the provinces of Scotland into one feudal monarchy completed in this reign.

THE brightest and most prosperous period in the annals of Scotland was undoubtedly that during which she was under the rule of the dynasty of kings which sprang from the union of the Celtic king Malcolm Ceannmor with the Saxon princess Margaret. It was during this period of upwards of a century and a half that the different provinces of Scotland were welded into one feudal monarchy, and the various races which inhabited them, and upon the allegiance of each of whom the kings of this race had hereditary claims, were fused into one mixed population combining the peculiar qualities of each.

The reign of Alexander the Third, the last king of this old Celtic dynasty of Scottish kings, saw the concentration of the various provinces of Scotland into one compact kingdom finally completed by the cession of the Isles in the year 1266. Scotland now presented the same geographical platform which it ever after possessed. The various races which composed its population occupied in the main the same relative position. The kingdom of Scotland could now be no longer viewed as a limited Gaelic kingdom, possessing dependencies peopled by British, Anglic, or Scandinavian communities, but had become a feudal monarchy, the dominant element of

which was Teutonic, while the Celtic population was either restricted to the wilder and more mountain regions, or formed the under class of serfs and tillers of the soil.

It would seem as if the task of amalgamating the discordant elements of the population, and of concentrating the semi-independent provinces which they peopled, had no sooner been completed than the dynasty which effected it was to pass away, and a war of succession was to follow, which was still further to root up her ancient institutions, and to throw the kingdom still more into the hands of kings and nobility of an alien race.

By the death of his only daughter, who had been married to the king of Norway, and of his only son in the same year, Alexander the Third found that unless he had a male heir by a second marriage the succession to the throne would devolve upon a little grand-daughter, the Princess of Norway, then only two years old, and on her the succession was settled in a Parliament held at Scone on the 5th February 1283-4, failing such male issue. In the instrument by which the succession was so settled the magnates of Scotland bound themselves to receive Margaret, daughter of Eric, king of Norway, and of Margaret, daughter of King Alexander, as their lady and heir of the kingdom of Scotia; and to acknowledge her and her heirs as their liege lady, and the true heir of their sovereign in the whole kingdom, and in the island of Man, and all the other islands pertaining to the kingdom of Scotia, as well as in Tynedale and Penrith, and other dependencies of the kingdom.[1]

Such were the enlarged limits to which the name of Scotia, once confined to the districts between the Firth of Forth and the river Spey, had now extended; and the dependencies of the kingdom, which had then embraced large

[1] De toto regno, de insula Manniæ et de omnibus aliis insulis ad dictum regnum Scotiæ pertinentibus necnon et de Tyndallia et de Penereth cum aliis omnibus juribus et libertatibus ad dictum dominum Regem Scotiæ spectantibus.—Rym. *Fœd.* ii. p. 266.

semi-independent provinces on the south and west of these boundaries, were now reduced to the recently-acquired Western Isles, and to the small districts of Tynedale and Penrith lying beyond her southern frontier.

If this process of consolidation, however, may be said to have been completed in the reign of Alexander the Third, it can only be held to have properly commenced with that of David the First. Prior to his accession, although the rule of the Scottish monarchs had extended itself by degrees over the districts south of the Forth and Clyde, and then west of the Drumalban range and the river Spey, yet the name of Scotia was still confined to the eastern districts between these limits. These districts formed the real nucleus and heart of the kingdom, and were more directly associated with her monarchs as kings of the Scots.

Southern frontier of Scotland.

The extension of their power over the southern districts commenced about a century after the establishment of the Scottish dynasty on the Pictish throne, when, in the year 946, the districts forming the kingdom of Cumbria were ceded by Edward the elder to Malcolm king of the Scots. This kingdom extended, at that time, from the river Clyde to the river Derwent in Cumberland, and to the cross at Stanmore on the borders of Westmoreland and Yorkshire, which separated it from the Northumbrian territories. It embraced the western districts of Scotland from the Clyde to the Solway, the present county of Cumberland, with the exception of that part of it which lies on the south of the river Derwent and formed the barony of Copeland, and the whole of Westmoreland exclusive of the barony of Kendal, which, with Copeland and the western districts as far as the borders of Wales, belonged to the Northumbrian kingdom.

Within eighty years afterwards, the districts on the east coast extending from the Forth to the Tweed, and consisting of Lothian and Teviotdale, were ceded to his grandson,

another Malcolm. These southern territories were, however, in the position of dependencies on the kingdom of Scotland, lying beyond her proper southern frontier and within that of England, and were on three different occasions entirely separated from the Scottish kingdom:—First during the usurpation of Macbeth and the possession of the greater part of Scotland by the Norwegian Earl of Orkney, whose joint rule certainly did not extend beyond the Forth, while the southern districts remained faithful to the family of Duncan; again during the short reign of Donald Ban; and for a third time after the death of Eadgar, when the territories over which he had ruled as king were divided between his brothers Alexander and David, the former reigning as king over the kingdom north of the Forth and Clyde, while the latter ruled with the title of Earl over these southern dependencies. The southern frontier of the Cumbrian kingdom did not, at this time, extend beyond the Solway, for the Norman king, William Rufus, had, in the year 1092, wrested that part of it which lay between the Solway and the Derwent from Malcolm Ceann-mor, and given it to the Norman baron Ranulph de Meschines, while Henry I. erected it, with Westmoreland, in 1132, into the bishopric of Carlisle. The southern boundary of Earl David's possessions had thus become coincident with the southern frontier of the later kingdom of Scotland. It was only on the accession of David to the throne of Scotland that they became permanently united to the kingdom, and the name of Cumbria, or Cumberland, was restricted to that part of the ancient kingdom of Cumbria which now belonged to England. The connection of the royal family with the ancient line of the Saxon kings, the training and Norman tendencies of David himself, and his marriage with the daughter of an Earl of Northumbria, and widow of an Earl of Northampton, whose mother was a niece of the Conqueror, created a tie between them and the Anglic population of the

southern districts which was closer than that which now connected him with the Celtic population of the other portions of the kingdom; and Lothian assumed that prominent position as the most valuable and cherished centre of the interests of the monarchy, which had hitherto belonged to the region between the Forth and the Spey.

English possessions of the Scottish kings.

But while David the First may be held to have established the Solway, the range of the Cheviots, and the Tweed, as the proper southern boundary of the kingdom of Scotland, his marriage gave him claims to territories beyond it, which he was disposed to assert when opportunity offered. During the life of Matilda, his queen, he had enjoyed in her right the earldoms of Northampton and Huntingdon; but on her death, seven years after he had succeeded to the throne of Scotland, the earldom of Northampton passed to her son by her first marriage, Simon de Senlis, while Henry, her son by King David, succeeded to the earldom of Huntingdon. The death of Henry, king of England, in 1135, and the disputed succession between his daughter the empress of Germany and his sister's son Stephen, Earl of Mortaigne, presented the opportunity King David longed for. He embraced the cause of the empress, who was his niece, and in her name took possession of Northumberland, with the exception of the castle of Bamborough, which he soon after surrendered to Stephen, who confirmed the Honor of Huntingdon to Prince Henry, with Doncaster and the castle of Carlisle in addition to it. In the following year King David again claimed the northern provinces in name of his son Prince Henry, and both Northumberland and Cumberland were yielded to him; but on peace being made between him and Stephen he surrendered Northumberland, retaining, however, Cumberland in England. An attempt, two years afterwards, to regain Northumberland led to the battle of the Standard, in which David was defeated; but a peace was concluded in 1139,

when Northumberland was made over to Prince Henry, except the fortresses of Newcastle and Bamborough, which he retained to his death in 1152, when King David had Malcolm, the eldest son of Prince Henry, proclaimed heir to the crown, and presented his second son, William, to the Northumbrian barons as their ruler. Malcolm had not been four years on the throne when he surrendered Northumberland and Cumberland to the king of England, which were annexed to the English crown, while the king restored to him the Honor of Huntingdon. An attempt on the part of his brother and successor, William the Lion, to regain these provinces, led to the war in which he was defeated and taken prisoner in 1173, and Huntingdon was taken from him and given to Simon de Senlis; but on the death of the latter in 1184 it was restored to King William, who bestowed it upon his youngest brother David, afterwards known as David, Earl of Huntingdon, in whose family it remained.[2] The claims of the Scottish kings upon the northern provinces of England were renewed by Alexander the Second, but through the mediation of Cardinal Otho, the Pope's legate, all questions in dispute between England and Scotland were finally settled by an agreement concluded at York in September 1237. In lieu of the claims made by Alexander upon the earldoms of Northumberland, Cumberland, and Westmoreland, as his hereditary right, and for the dowry he ought to have received with Johanna, the sister of the king of England, whom he had married, King Henry undertook to convey to the King of Scotland in property, lands in the earldoms of Northumberland and Cumberland to the yearly value of two hundred pounds.[3] The lands so settled upon him were Tynedale, also called the barony of Werk, in

[2] For this sketch of the attempts of the Scottish kings to obtain possession of these northern provinces, Hailes's *Annals* and Vol. I. of this work may be consulted.

[3] Rymer's *Fœdera;* Palgrave, *Records,* vol. i. pp. ii. 1.

Northumberland, and the crown demesne in Cumberland, consisting of Penrith and other lands, with the exception of the castle of Carlisle.

Such is a short sketch of the attempts made by the kings of Scotland to extend their frontiers to the south; and the result was that in the reign of Alexander the Third the southern boundary of Scotland was the same as it is at present, but Alexander was left in possession of the lands of Tynedale and Penrith beyond it, as a dependency of the kingdom, and they remained with his successor John Baliol, when they were finally lost to Scotland in the war of independence which followed his short and disastrous reign.

Northern boundary of Scotland.

But if the kings of this dynasty struggled vainly to enlarge their boundaries on the south, they were more successful in gradually extending the power of the crown over the northern and western provinces. David I. by successfully defeating and crushing the rebellion of Angus, Earl of Moray, in 1130, terminated the semi-independent state of that province, and no earl of this province was permitted to exist till King Robert Bruce bestowed it upon his nephew Randolph, but its guardianship was committed to different Scottish nobles, under the title of *Custos Moraviæ*.[4] The son of Malcolm MacHeth, who called himself the son of Earl Angus, attempted on the accession of Malcolm IV. to regain the province with the aid of the powerful Regulus of Argyll, but unsuccessfully, and their failure was followed by the northern seaboard, between Inverness and the Spey, where David I. had already planted the royal castle, being to a great extent taken from the native chiefs and given to strangers—a policy still further followed out by his successor William the Lion, who added the district of Ross, in which he built two castles;

[4] Dominus autem rex, circa festum S. Michaelis (A.D. 1211) rediens inde cum manu valida, Malcolmum comitem de Fyfe Moraviæ custodem dereliquit. . . . Erat enim tunc temporis ipse (Willelmus Cumyn Comes de Buchan) Custos Moraviæ. —*Scotichron.* B. viii. c. lxxvi.

and the crown continued to maintain its control over these provinces, notwithstanding occasional attempts on the part of the Celtic inhabitants to regain their independence by supporting the pretensions of the families of MacWilliam and MacHeth. The province of Caithness too, which at this time included Sutherland, and had for generations belonged to the Norwegian earls of Orkney, who held it nominally under the king of Scotland with the title of Earl, was at length brought by the same monarch more directly under the power of the crown, and placed in the same position as the other Scottish provinces. By his son Alexander the Second the still more extensive province of Argathelia or Argyll, forming the western seaboard of Scotland, and extending from Loch Long, opening off the Firth of Clyde, to the borders of Caithness, was brought under subjection, so that in the reign of this king the power of the crown was firmly established over the whole mainland of Scotland north of the Firths of Forth and Clyde. The islands, however, which surrounded it still belonged to the kingdom of Norway. The Orkney and Shetland Islands had been colonised by the Norwegians as early as the ninth century. They had been ruled by a line of Norwegian Jarls, who owed submission to the king of Norway alone, and though the succession to these Jarls opened in the reign of William the Lion to two families of Scottish descent, they were still considered as Jarls under the Norwegian crown, and the islands did not become connected with the Scottish kingdom till long after the period we are dealing with. The Western Isles, however, stood in a different position. Although the Norwegian Vikings had to a great extent taken possession of them at the same time that they colonised Orkney, and they had been the subject of frequent contest between the Norwegian Jarl and the Danish kings of Dublin, who had acquired possession of the island of Man, they were still claimed by the Scottish kings as belong-

ing to their kingdom, till the reign of Edgar, when they were formally ceded to the king of Norway. They were at this time along with the Isle of Man under the rule of petty kings of Norwegian descent, and this line of Norwegian kings of the Isles retained the whole till the year 1154, when the kingdom of the Isles was divided, and the islands south of the Point of Ardnamurchan passed under the rule of the Celtic ruler of Argyll, whose claim was derived through a descent in the female line from one of the Norwegian kings of the Isles, but who still held them nominally under the king of Norway. The tie to Norway, however, was becoming weaker and the connection with Scotland stronger, when the unsuccessful attempt of Hakon, king of Norway, to firmly re-establish his power over the whole of the islands in the reign of Alexander the Third, and his defeat and death, led to the cession of Man and the Isles in the year 1266 to the Scottish monarch. And in 1284 we find them settled upon the Maid of Norway as a dependency of the Scottish kingdom. The Western Islands became from this time firmly united to the rest of Scotland, while the island of Man, after being in the following century alternately in the possession of the Scots and the English, finally passed over to the English crown.

Physical aspect of Scotland in the reign of Alexander the Third.

Such then was, in extent, the Scotland of Alexander the Third, and of its physical aspect at this time we can also form a very fair conception. As early as the third century we are told that the Barbarian tribes beyond the bounds of the Roman province in Britain 'inhabit mountains wild and waterless, and plains desert and marshy, having neither walls nor cities, nor tillage, but living by pasturage, the chase, and certain berries;' and that 'many parts being constantly flooded by the tides of the ocean become marshy.'[5] Had the writer of this description ever seen the Scotch mountains, probably 'waterless' is the very last epithet he would have

[5] It is thus described by Dio in the reign of the Emperor Severus.

thought of applying to them; and though the inhabitants are said to have had neither walls nor cities, yet no doubt every rock and height showed the rude fortification or hill fort, the remains of so many of which are still seen, and every rising ground, with its rude collection of huts, would be surrounded with its rampart of earth and stones. Adamnan, writing in the seventh century, tells us of the fortified residence of the king of the Picts on the banks of the river Ness, with its royal house and gates, of a village on the banks of a lake, and of the houses of the country people. Of the leading physical features of the country he tells us too, of the large inland lakes, Loch Ness and Loch Awe, and of the range of mountains forming the backbone of Britain, or great watershed dividing the eastern and western waters, and separating the Scots from the Picts;[6] and Bede, in the succeeding century, talks of the mountains which separated the southern from the northern Picts, and within which the former had seats.[7]

To some extent these features must have still characterised the Scotland of Alexander the Third. The aspect of the country became gradually altered by the hand of man as he advanced in civilisation. The introduction of Christianity, and its rapid spread over the country, would fill it with those rude Celtic monasteries which were everywhere established, and with small Christian colonies, who practised a rude agriculture; forests would be cut down and mosses drained; and in place of 'those marshy parts of the country, constantly flooded by the tides of ocean,' would appear those rich carses which border the estuaries of her great rivers. The climate would become ameliorated, towns and villages would spring up, and a more settled mode of life become established among the Celtic tribes

[6] Adamnan, *Vit. Columbæ.*

[7] Provinciis septentrionalium Pictorum, hoc est, eis quæ arduis atque horrentibus montium jugis ab australibus eorum sunt regionibus sequestratæ. Namque ipsi australes Picti, qui intra eosdem montes habent sedes.—*Hist. Ec.* lib. iii. cap. iv.

which formed her population. An old description of Scotland north of the Firths, written in the first year of the reign of William the Lion, exhibits of course the same great physical landmarks, which do not alter, as still forming the leading territorial boundaries. 'This region is said to exhibit the form and figure of a man. The chief part of the figure, that is, the head, is in Arregaithel, or Argyll, in the west part of Scotland, on the Irish Sea. His feet are upon the German Ocean. The mountains and deserts of Arregaithel form his head and neck, and his body is the range of mountains called Mound, or the Mounth, which extends from the western to the eastern sea. His arms are the mountains which separate Scotia from Arregaithel. His right side is formed from Moray, Ross, Marr, and Buchan. His legs are these two great and principal rivers the Tay and the Spey. Between the legs are Angus and Mearns, on this side of the Mounth, and other districts on the other side,' that is, Marr and Buchan, 'between the Spey and the Mounth.'[8] This description, which is fanciful enough, would place the head of the supposed figure at Ben Nevis, the highest mountain in Scotland. The body is formed by the great range of hills which separated Inverness-shire and Aberdeenshire from the counties of Perth, Forfar, and Kincardine, and which forms, as it were, the backbone of the Grampians, and these are the mountains obviously alluded to by Bede as separating the northern from the southern Picts. The arms are formed by the range of hills which run at right angles, and are the great watershed dividing the eastern and western waters. The southern part forming the left arm now separates Argyllshire from Perthshire, and the northern part, or right arm, divides the western seaboard of Inverness-shire and Ross-shire, which then formed part of Argyllshire, from the eastern districts of these counties,

[8] De situ Albaniæ quæ in se figuram hominis habet.—*Chron. Picts and Scots*, p. 135.

and these are equally plainly the Drumalban range, which in Adamnan's time divided the Scots from the Picts.

Upon this scene, during the period when Scotland was under the rule of this dynasty, two great additional features were introduced. The first consisted of those Norman castles or strongholds, either built by the Norman barons to whom grants of land had been made, and which contributed so greatly to their power in the country, or by the kings of this race upon the crown lands; and around the latter would cluster those groups of dwellings, inhabited by traders and artisans, which, on the banks or at the mouths of navigable rivers, formed the burghs and seaport towns in which the trade and commerce of the country was carried on. The second great feature consisted of those monasteries founded by these kings for communities of regular canons or other monastic orders of the Roman Catholic Church, which, with their stone-and-lime buildings, the extensive tracts of land attached to them, and the industrial habits they fostered, would tend greatly to extend the cultivation of the soil, and to promote the social condition of the people under their influence.

We have a somewhat imperfect description of Scotland as it was in the time of Alexander the Third, compiled not long after his death. It commences at the eastern border between England and Scotland, and first names Tyvidale, that is, Teviotdale, with its two royal castles of Rokesborow or Roxburgh, and Geddeworth or Jedburgh, the latter a favourite residence of Alexander the Third. Then follows Lothian, with its castles of Berwick, Edinburgh, Dunbar, and Strivelyn or Stirling. These two provinces extend, it tells us, from the border to Erlesferie and Queneferie, that is, to the Firth of Forth. In the districts which extend in the west from the Clyde to the Solway it names only the new castle built upon the Ayr water, and in Galewey, Anandale the land of the Lord Robert de Brus, the royal castle of

Dounfres or Dumfries, that of Kirkcudbright, belonging to William de Ferrers, and the castle of Baleswynton, belonging to John de Cumyn. The central districts are not named, but here was the extensive forest of Ettrick and Traquair separating the eastern from the western districts. Beyond Lothian, it tells us, lay the land of Fif or Fife, in which were the burgh of St. Andrews and the castle of Locres or Leuchars. Beyond the Firth of Tay was the land of Anegos or Angus, in which were the castles of Dundee and Forfar; and then follows 'a certain waste called the Mounth, upwards of sixty miles long and sixteen broad, across which a most wretched passage can be taken to the north, without food' (ubi est pessimum passagium sine cibo). Then follows Mar, and Bouwan or Buchan, in which is the burgh of Aberdene with its royal castle. Followed by the land of Morref or Moray, with the castles of Elgyn and Spiny, and then Ross and Cateneys or Caithness.[9]

This description seems to follow the coast, as the central districts of Gowry, Atholl, Stratherne, and Menteath are omitted, as well as the district of Arregaithel or Argyll, and the enumeration of the castles is very imperfect. Fordun, however, gives a view of Scotland in his day which is probably equally applicable to the time of Alexander the Third, and in which he seems to break out into enthusiastic admiration of his native country. 'It is a country,' he says, 'strong by nature, and difficult and toilsome of access. In some parts it towers into mountains; in others it sinks down into plains. For lofty mountains stretch through the midst of it from end to end, as do the tall Alps through Europe, and these mountains formerly separated the Scots from the Picts, and their kingdoms from each other,'—a very accurate description of the Drumalban chain, extending through Scotland from south to north. 'Impassable as they are on horseback, save in very few places,' he proceeds, alluding

[9] Brevis Descriptio regni Scotiæ.—*Ib.* 214.

here to the passes into Argyll, 'they can hardly be crossed even on foot, both on account of the snow always lying on them, except in summer-time only, and by reason of the boulders torn off the beetling crags, and the deep hollows in their midst. Along the foot of these mountains are vast woods, full of stags, roe-deer, and other wild animals and beasts of various kinds. . . . Numberless springs also well up, and burst forth from the hills and the sloping ridges of the mountains, and trickling down with sweetest sound in crystal rivulets between flowery banks, flow together through the level vales, and give birth to many streams: and these again to large rivers, in which Scotia marvellously abounds beyond any other country; and at their mouths, where they rejoin the sea, she has noble and secure harbours. Scotia also has tracts of land bordering on the sea, pretty level and rich, with green meadows, and fertile and productive fields of corn and barley, and well adapted for growing beans, peas, and all other produce; destitute, however, of wine and oil though by no means so, of honey and wax. But in the upland districts, and along the highlands, the fields are less productive, except only in oats and barley. The country is there very hideous, interspersed with moors and marshy fields, muddy and dirty. It is, however, full of pasturage grass for cattle, and comely with verdure in the glens along the watercourses. This region abounds in wool-bearing sheep, and in horses; and its soil is grassy, feeds cattle and wild beasts, is rich in milk and wool, and manifold in its wealth of fish in sea, river, and lake.[10]

We can thus, in some degree, picture to ourselves the Scotland of this period. Instead of the large tracts of cultivated land and the modern mansions of its possessors surrounded by plantations, we should see forests of trees of native growth, from amid which, or on their margin, would

[10] Fordun's *Chronicle of Scotland*, B. ii. cc. vii. and viii. vol. ii. pp. 36-7.

rise the towers of the royal castles, or those of the Norman barons. We should see small patches of cultivated land, interspersed with long stretches of barren heath. In sheltered valleys we should find the seats of the early bishoprics of the Celtic Church, and the more imposing monasteries of the regular clergy and monastic orders subsequently introduced, surrounded by a greater extent of cultivated land, and with the huts of the occupiers of the soil clustering round. On the banks of the navigable rivers, or at their mouth, we should find settlements of the trading and industrial population protected by rude walls; and we should find the northern and western districts exhibiting very much the same characteristics as they did during the succeeding centuries:—the two great leading mountain chains of the Mounth and Drumalban forming a succession of hunting-grounds or forests, left to the red-deer and other game; the minor chains leading from them to the south-east and north-east terminating abruptly on the lowland plains, and forming a great mountain barrier, extending on the south in an oblique line from Ben Lomond to the great range of the Mounth near Stonehaven, and on the north from the same range at Ballater to the river Nairn, through which the great rivers rising among the western hills pour their waters, through narrow gorges which form the passes into the mountain region. Within this line the country would be mainly used for pasturage, and its natural defences would render but few artificial fortifications necessary.

Population of Scotland in the reign of Alexander the Third composed of six races.

During the period when the boundaries of Scotland had been thus extended by the kings of this dynasty, its population was composed of several distinct races, partly of Teutonic and partly of Celtic origin, forming a people of very mixed descent, in which the Teutonic element was gradually predominating more and more over the Celtic, and either absorbing the latter or confining it to the more barren and mountain regions of the country. The constituent elements of this

population bore six different names. These were the Picts and the Cumbrians or Britons, the Scots and Angles, the Norwegians, and the Franks or Normans, and we find them distinguished by these names under the rule of the Scoto-Saxon monarchs, till they gradually become merged in the general name of Scots. Thus the charters of Eadgar and Alexander the First are addressed to their subjects, both Scots and Angles. Those by David the First and Malcolm the Fourth sometimes to Scots and Angles, at other times to Franks or Normans and Angles, and frequently to Franks and Angles, Scots and Galwegians or Picts, while in the charters of the subsequent kings these distinctions disappear. When the whole force of the kingdom was called out by David the First at the invasion of England which terminated in the disastrous battle of the Standard, we find that his army, according to Richard of Hexham, was composed of Normans, Germans, Angles, Northumbrians and Cumbrians of Teviotdale, of Lothian, of Picts commonly called Galwegians, and of Scots,[11] while, according to Ailred, the army was arranged in the following battalions. The first was composed of the Galuenses or Galwegian Picts; the second of the Cumberenses and Teviotdalenses or Britons of Strathclyde and Teviotdale; the third of the Laodonenses, Insulani, and Lauernani, that is, a mixed battalion of Angles of Lothian, Norwegians of the Isles, and the Gaelic people of the Lennox; and the king had in his own battalion the Scotti and Muravenses, that is, the people of Scotland between the Forth and the Spey and of the great province of Moray, which he had recently subjected, beyond it, and along with them 'Milites Angli et Franci,'[12] or Saxon and Norman barons.

Indigenous races of the Britons and Picts.

Of these races two only were indigenous, and the rest

[11] Coadunatus autem erat iste nefandus exercitus de Normannis, Germanis, Anglis, de Northymbranis et Cumbris, de Teswetadala, de Lodonea, de Pictis, qui vulgo Gallewеienses dicuntur, et Scottis.—Ric. Hagustald. *ad an.* 1138.

[12] Fordun's *Chron.* vol. i. App. i.

were intruders. To the indigenous races belonged the Cumbrians or Britons south of the Firths of Forth and Clyde, and the Picts, who originally inhabited the whole country north of these estuaries, as well as Galloway and a considerable part of Ireland. Both belonged to the Celtic race, the former to that branch of it, the dialect of which is represented by the Welsh, Cornish, and Breton, and perhaps in the main most nearly approached the Cornish in the form of their speech. But whether the Picts were altogether a homogeneous people may perhaps be a question. From the time when they first became known to the Romans, they appear throughout as divided into two branches; but whether the expression of the Roman historian, when he terms these two divisions of the Pictish people two nations, indicates any diversity of race, or whether, as the language of Bede rather implies, the distinction was simply geographical, certainly in one important respect they for a time showed a material difference, for the southern Picts adopted Christianity at a much earlier period than the northern Picts, and they were so far disunited that the conversion of the former did not imply that of the whole nation, and for a century and a half, while the southern portion were nominally Christian, the northern half remained Pagan. Every circumstance, however, connected with them, tends to show that the Picts who inhabited the northern and western regions of Scotland, as well as Galloway and the districts in Ireland, belonged to the Gaelic race and spoke a Gaelic dialect, while the southern Picts, placed between them and a British people, present features which appear to assimilate them to both: and the conclusion we came to was that they were probably originally of the same Gaelic race, while a British element had entered into their language, either from mixture with that people, or from some other influence arising from their contact.

Colonising races of Scots and Angles.

The sixth century brought in both an additional Gaelic and a Teutonic element into the population of this part of

Britain, for in the beginning of that century a colony of Scots from Ireland, who were undoubtedly a Gaelic people, settled on the barren coasts on the north side of the Firth of Clyde, and the same century saw the eastern seaboard, extending from the Tweed to the Firth of Forth, in possession of the Angles of Northumberland; while there is reason to believe that some parts of the country between these limits had been previously partially settled by Frisian tribes belonging to the great Saxon confederation.

Intruding races of Danes, Norwegians, and Normans.

In the ninth century the great outburst of piratical adventurers from the Scandinavian shores brought first the Danes and afterwards the Norwegians to Scotland, and the latter not only colonised the Orkney and Shetland Islands but became masters of the Western Isles, and from time to time of considerable districts on the mainland of Scotland. During the reigns of the earlier kings of this dynasty the Saxon influence was largely increased by those who either took refuge in Scotland from the power of the Norman Conqueror or were attracted by the connection of these kings through their mother with the Saxon royal family; while David the First introduced the Norman barons, who obtained large tracts of land on both sides of the Firths of Forth and Clyde under his auspices and that of his immediate successors.

Influence of foreign races on native population.

In estimating the extent to which these foreign elements influenced the original inhabitants, and how far they formed a permanent ingredient in the mixed population, it is necessary to keep in view the circumstances under which they obtained a footing in the country, and the peculiar features which characterised the intruders. Did they enter the country as colonists or as conquerors? If the former, did they come as military colonists? or did they bring their wives and families with them? Or, if the latter, did they amalgamate with the conquered population so as to form one people, the language and institutions of one or other obtaining

the mastery over the whole? or did they exterminate or drive them out? or were the remains of the conquered people retained as a servile class under the conquerors? The first recorded settlements which have a historical basis were those of the Scots on the west coast and of the Angles on the east. Of these the Scots appear to have come more as colonists than as invaders. They were a tribe of Scots who came from the district of Dalriada in Ireland in the beginning of the sixth century, and brought that name with them which was applied to the southern part of the great western district of Argyll. They belonged to the same Gaelic race as the Pictish tribes among whom they were settled, and the oldest tradition as reported by Bede cannot tell whether 'they secured to themselves these settlements by fair means or by force of arms.'[13] The conversion of the northern Picts to Christianity by the Irish missionary St. Columba, and the establishment of a Christian church among them under Scottish clergy, now formed a bond of union between them; and it is recorded by Bede that up to the time when he wrote his History their mutual boundaries had remained unaltered. In the same century the Angles of Bernicia, under the sons of Ida, who had founded that kingdom, obtained possession of the districts extending along the east coast as far as the Firth of Forth. They were a Pagan people, conquering a Christian population of a different race and language from themselves; and there seems little reason to question that this settlement was only effected after a fierce and prolonged struggle between the Angles and the native population, by which, after varied fortunes on either side, the latter were eventually either exterminated or driven into the more hilly and barren regions on the west. There were thus formed four distinct kingdoms, which remained independent of each other during the sixth,

[13] Qui duce Reuda de Hibernia progressi vel amicitia vel ferro sibimet inter eos sedes quas hactenus habent, vindicarent.—*Bede*, i. c. 1.

seventh, and eighth centuries, viz. those of the Picts and of the Cumbrian Britons consisting of the two indigenous races, and those of the Scots of Dalriada and Angles of Bernicia established by two of the intruding peoples; and their mutual boundaries had remained unaltered down to the period when Bede wrote in the eighth century.

Foreign elements introduced into population of Pictish and Cumbrian territories.

It was not till the ninth century that those changes in their relative position commenced which ultimately led to their fusion into one mixed population. A revolution in that century led to a dynasty of kings of Scottish descent being permanently placed on the Pictish throne, and to a Scottish element being largely and to an increasing extent introduced into the Pictish population. The capital of the Pictish kingdom had at this time been Scone, and around this central point the new Scottish monarchy had its chief influence, and in the neighbouring districts the new Scottish population would be most numerous. The province of Fife seems to have been considered as their main seat, and they appear to have spread over the central districts of the region extending from the Forth to the great barrier of the Mounth, while the more independent portion of its Pictish population appear at its two extremities in the *firu Fortren* or men of Fortren, who had their chief stronghold in Dundurn at the eastern end of Lochearn, and in the *viri de Moerne* or men of Mearns, whose principal fortress was *Dunfother* or Dunnottar at Stonehaven. These Scots and Picts, belonging to the same Gaelic race and speaking kindred dialects, would amalgamate readily enough, and they would probably be found at this time established alongside of each other in homesteads some of which would be Scottish and others Pictish,—a state of matters of which we find examples in northern Russia, where the earlier Finnish population and the intruding Slavs occupy respective villages, and in parts of Greece, where the distribution of the Albanian and the Greek population presents

the same features. This view of the distribution of the Scottish and Pictish communities in the new kingdom of Alban, to which the name of Scotia was soon applied, will to some extent account for the strange interlacing in this part of the country of the three earliest dioceses of Dunkeld, of Abernethy, afterwards represented by the dioceses of Dunblane and Brechin, and of St. Andrews,—the two former being traditionally connected with the Pictish name, and the latter closely identified with the Scottish people. Diocesan boundaries are usually found to reflect more ancient ethnic divisions.

The Scottish dynasty of kings had not occupied the Pictish throne for more than sixty or seventy years when the failure of the line of British kings of the Strathclyde Britons, and the election of a brother of the Scottish king to be their successor, placed a similar dynasty of Scottish kings on the throne of the Cumbrian kingdom, and made its eventual cession to the Scottish monarch a more natural and easy arrangement; and the cession of Lothian in the following century completed the territorial formation of the later Scottish kingdom.

Spread of Teutonic people over them.

Such being the state of matters when the dynasty of kings sprung from the union of Malcolm Ceannmor with the Saxon Princess Margaret ruled over this kingdom, we find when we reach the reign of Alexander the Third that a great change has taken place. The British speech has entirely disappeared from the district forming the ancient Strathclyde kingdom, and their population now speak the same Northumbrian or northern dialect of English with the people of Lothian; while this Teutonic language has likewise spread over the eastern districts extending from the Forth to the Moray Firth, where in the reign of Malcolm Ceannmor that Celtic king had had to interpret the Saxon speech of his queen to its inhabitants, and the indigenous Gaelic vernacular was now confined to

the mountain regions of the North and West north of the Firths of Forth and Clyde, while the people of Lennox and Galloway, within the limits of the ancient Cumbrian kingdom, likewise retained their Gaelic speech. There had, therefore, taken place in these districts a silent revolution, of which history has taken little note.

Besides the violent or organic changes produced in a population by the invasion or colonisation of a foreign people which history marks, and the effects of which we can trace in the events recorded in the annals of the country, there is another silent and inorganic spread of one race over the territory of another, the eventual results of which are apparent enough, and the causes which led to it may be divined, but the steps of its progress are less easily marked. In the one, whole nations or tribes take possession of part or the whole of new districts; in the other, they spread not collectively but in families or groups. In the one, the inroad is effected by force or by direct convention. In the other, it is the result of natural causes arising from the contact of two races possessing different qualities and states of civilisation, and from the influence which the force of character of one people may exercise over another. Their influence, too, upon the spoken language and the place-names of the people presents itself in different aspects. In the one, the language of the invading people is established as the language of the country when the subject population has been exterminated or driven out, and the older place-names are either adopted into the language or changed at once. In the other, the silent and gradual inorganic colonisation changes by degrees the spoken language, but not the bulk of the place-names. The great natural features of the country usually retain the names imposed upon them by its original inhabitants, but those of the homesteads occupied by the colonising race assume the forms of their language, and those applicable to the dwellings of man only remain unchanged when the original people have

lingered longer, or when the name is expressive of some common natural feature, which has been readily adopted as such by the intruders. Topography thus affords us some help in indicating the presence of the stranger, and marking the extent to which the race to which he belongs has spread over the country.

When Earl David, as Prince of Cumbria, proposed to restore the ancient church of Glasgow, and asked the elders and wise men of Cumbria to inquire into the ancient possessions of that church, they told him that after Kentigern, the founder of the church, and several of his successors, had passed to God, 'various seditions and insurrections rising all around not only destroyed the church and its possessions, but, laying waste the whole country, delivered its inhabitants into exile. Thus, also, all good being exterminated, after a considerable interval of time different tribes of different nationalities pouring in from different parts inhabited this deserted country, but being of separate race, speaking a dissimilar language, and living after different fashion, not easily agreeing among themselves, they maintained paganism rather than the cultivation of the faith. The Lord, however, who wills that none should perish, was pleased to visit, in his clemency, these unhappy inhabitants of a condemned habitation, irrationally dwelling after the manner of beasts. In the days of Henry, king of England, Alexander reigning as king in Scotia, God sent them David, brother-german of the foresaid king, as prince and leader, who corrected their obscene and wicked contagion, and bridled their contumelious contumacy with nobleness of soul and inflexible severity.'[14] This picture, coloured no doubt to deepen the shade of the past,

[14] Dicto namque Kentegerno pluribusque successoribus suis pie religionis perseverantia ad Deum transmigratis, diverse seditiones circumquaque insurgentes, non solum Ecclesiam et ejus possessiones destruxerunt, verum etiam totam regionem vastantes, ejus habitatores exilio tradiderunt. Sic ergo omnibus bonis exterminatis, magnis temporum intervallis transactis, diverse tribus diversarum nationem

and to brighten the prospects of the country under David's rule, still sufficiently indicates the belief that the British inhabitants had to a great extent deserted the country, and that it had been repeatedly laid waste by foreign nations, who had eventually settled in the country. The allusion to the paganism of some refers probably to the Norwegians and Danes, the former of whom in 870 besieged their capital Alclyde, now Dumbarton, and destroyed it after a few months' siege, and carried a great host of prisoners with them to Ireland into captivity, and five years afterwards the Britons of Strathclyde and Picts of Galloway were ravaged by the Danes of Northumberland. A Welsh chronicle, attributed to Caradoc of Llancarvan, tells us that in '891 the men of Strathclyde, who would not unite with the Saxons, were obliged to leave their country, and go to Gwynedd or North Wales.'[15] In 945 it was ravaged by Edmund, king of Wessex, and ceded to the Scots. In 1000, Ethelred, king of Wessex, entered Cumbria, ravaged it nearly all, and it was again laid waste; and in 1070, Gospatric, Earl of Northumbria, having collected a considerable force, made a furious incursion into the Cumbrian kingdom, then under the dominion of the Scottish king Malcolm, spreading slaughter and conflagration on all sides. These notices sufficiently

ex diversis partibus affluentes, desertam regionem prefatam habitaverunt; sed dispari genere et dissimili lingua et vario more viventes, haud facile [inter] sese consentientes, gentilitatem potius quam fidei cultum tenuere. Quos infelices dampnate habitationis habitatores, more pecudum irrationabiliter degentes, dignatus est Dominus, Qui neminem vult perire, propitiatione Sua visitare; tempore enim Henrici Regis Anglie, Alexandro Scotorum rege in Scotia regnante, misit eis Deus David, predicti Regis Scotie germanum, in principem et ducem; qui eorum impudica et scelerosa contagia corrigeret, et animi nobilitate et inflexibili severitate contumeliosam eorum contumatiam refrenaret. —Haddan and Stubbs, *Councils*, vol. ii. part i. p. 17.

[15] This chronicle was printed from the Book of Aberpergwm in the *Myvyrian Archæology*, vol. ii., and reprinted, with a translation, in the *Archæologia Cambrensis*, vol. ix., Third Series, but its authority is very doubtful.

bear out that feature in the dark picture of the past history of the British kingdom, and we may well believe that under these repeated devastations, and under the Scottish dominion, its Welsh population, isolated in the north between Picts, Scots, and Angles, and harassed by incessant invasions, would gradually retreat to their mother country of Wales, and that their neighbours would gradually settle in the partially deserted country.

There are some indications of earlier settlements among them of Frisians, who left their name in Dunfres, the town of the Frisians, as Dunbreatan or Dumbarton is the town of the Britons,[16] and the subjection of the Cumbrian kingdom to the Angles of Northumbria for thirty years prior to 685 must have had an effect on its population; but, be this as it may, the neighbouring Anglic population, attracted by her fertile plains and valleys, appear at a later period to have made their way into the upper valley of the Tweed and Teviot, and along the banks of the great watercourse of the Clyde, and to the plains of Renfrew and Ayr, where they have left evidence of their settlements in the numerous Saxon place-names ending with the generic terms of *ton* and *hame*, while the northern district, where the limits of the Cumbrian kingdom penetrated into the mountains—the district surrounding the romantic lake of Loch Lomond—seems soon to have acquired a Gaelic population, and became known as the Levenach or Lennox. The Gaelic population of Galloway at the same time appear to have encroached upon the southern limit of Ayrshire and peopled the district of Carrick with a Gaelic race. Extensive territories too were granted by Earl David to his Norman followers. The great district of Annandale was given to De Bruce. The adjacent districts of Eskdale

[16] When Kentigern was preaching to the pagan people at Hoddam, in Dumfriesshire, the chief point of his sermon was to show them that their god Woden had been a mere man.—See Paper on Early Frisian Settlements, *Proceedings Ant. Scot.*, vol. iv. p. 169.

and Ewisdale were filled with Normans. The De Moreville obtained Cuninghame or the northern district of Ayrshire, and the Norman Fitzallan, who became the Steward of Scotland, acquired Strathgryff, or Renfrew and part of Kyle. These Norman barons settled their Northumbrian followers on their lands, and thus almost the whole of the ancient kingdom of the Cumbrian Britons became soon entirely Saxonised.

A similar process seems to have commenced in the eastern districts north of the Forth after the union of the Celtic monarch with the Saxon princess had given the Saxon influence predominance in the country, and stamped his children with the character and feeling of Saxon monarchs, which soon produced a similar result. We find Saxon barons, who fled to Scotland from the power of the Norman Conqueror, acquiring lands in the province of Fife. The burghs founded by the kings of this race on the crown lands were filled with Saxon and Flemish traders, and the latter people obtained grants of land. Thus we find Malcolm the Fourth granting the lands of Innes 'Beroaldo Flandrensi,' and David, Earl of Huntingdon, grants lands in Garrioch to Malcolm, son of Bertolf, a Flemish name, and his charter is addressed to 'all good men of his kingdom, French or Normans, English or Angles, Flemish and Scotch.'[17] The great religious houses established by them brought southern ecclesiastics into the northern parts of the kingdom, who were accompanied by a southern following; and on the extensive church lands we find the sole remains of the Celtic population appearing as serfs, under the Celtic appellations of 'Cumlawes' and 'Cumherbes,'[18] and large territories speedily passed into the possession of Norman barons, who settled them with their own followers.

In the scanty records which throw light upon the history of the land in these districts, we can see the Gaelic name of the land-owners gradually becoming more and more restricted,

[17] Fourth Report of Hist. MSS. Com., App. p. 493. [18] *Chart. Scon*, p. 24.

and retreating before the Teutonic settlers. We can see more and more of the land becoming feudalised, and being held by the followers of the barons in military tenure. The church lands, forming a large proportion of the whole, became in fact agricultural colonies of strangers. In the crown lands alone the older land tenures maintained their position for a time, though there too the increasing importance of the royal burghs, and the gradual advance of their Saxon inmates into the surrounding land, soon carried the Saxon tongue into them; and thus the old Celtic kingdom of Alban or Scotia, extending from the Firth of Forth to the river Spey, had in the reign of Alexander the Third assumed an entirely Teutonic aspect, while what Fordun tells us of Malcolm the Fourth, that 'having gathered together a large army, the king removed the rebel nation of the Moravienses from the land of their birth, as of old Nebuchadnezzar, king of Babylon, had dealt with the Jews, and scattered them throughout the other districts of Scotland, both beyond the mountains,' that is, the Mounth, 'and on this side thereof, so that not even one native of that land abode there, and installed therein his own peaceful people,'[19] is probably to some extent true in so far as regards the inhabitants of the plain country extending from the Spey along the southern shore of the Moray Firth to the river Nairn, in which the royal castles of Elgin, Forres, and Nairn were situated, and which formed the three small sheriffdoms of these names. It is not at all unlikely that that king, or his successor William the Lion, should have adopted the policy of interposing between the native population, 'who,' Fordun tells us, 'would, for neither prayers nor bribes, neither treaties nor oaths, leave off their disloyal ways, or their ravages among their fellow-countrymen,' and the frontier of the province a tract of country, garrisoned, as it were, with the more settled people of the lowlands.

[19] Fordun, *Chron.* (Annals, IV.) ed. 1872, vol. ii. p. 251.

Norwegian kingdom of the Isles.

But if this silent and gradual immigration of the Teutonic people thus took place into the southern and eastern districts of the country north of the Forth and Clyde, and either absorbed its Celtic inhabitants or gradually drove them back into the more mountainous regions, the latter were exposed to a more direct assault from another people of Teutonic race on the north and west, which, however, did not produce the same permanent effect upon the population. This was that strange and sudden appearance in the northern and western seas of a piratical horde of sea-robbers, which issued from the Scandinavian countries lying to the north of Germany. The first to make their appearance were the Danes, and though they repeatedly ravaged the Western Isles and destroyed the Christian monasteries, they effected permanent settlements only in Ireland, and in the northern provinces of England forming the ancient kingdom of Northumbria. They were followed by the Norwegians, who appear to have been more attracted by the islands surrounding Scotland, and thus came more immediately in contact with the Gaelic population of Scotland. They entirely occupied the islands of Orkney and Shetland, which they colonised; and took possession of the Western Isles, without, however, driving out or absorbing the previous inhabitants of Gaelic race.

By the Gaelic people these northern ravagers were termed either *Geinnte* or Gentiles as being pagans, or *Gall* or Strangers as being foreigners, and the two races of the Danes and Norwegians were distinguished by the terms *Dubhgeinnte* or *Dubhgall*, that is, black pagans or black strangers, and *Finngeinnte* or *Finngall*,[20] white pagans or white strangers, and the Western Islands were termed *Innsigall*, or the Islands of the Strangers, while the Norwegians themselves called them

[20] The names Dubhgall and Finngall must not be confounded, as is usually done, with the Christian names Dubhgal and Fingal, which belong to a large class of names ending with the syllable *gal*, signifying *valour*.

the Sudreys or Southern Islands, to distinguish them from the Nordereys or Northern Islands, that is, the Orkney and Shetland Islands.[21]

That the Norwegians did not so thoroughly colonise the Western Isles and absorb its Gaelic population, as was the case with the Orkney and Shetland Islands, may have arisen from their finding in the former a more dense population, and also that they appear to have used the Sudreys more as a kind of stepping-stone to other settlements, or as temporary strongholds, rather than as places for lasting settlements, and thus their Norwegian population was generally of a more transient and fluctuating character;[22] but this was mainly true of the earlier period of their occupation only, and a more important ground of difference arose from the Gaelic population of the Western Isles more nearly assimilating themselves to the character of the Norwegian sea-robbers. They seem to have submitted easily to their rule, and to have adopted their habits, so that when one of the great Norwegian Vikings, Ketill Flatnose, succeeded in establishing a petty kingdom in the Isles in opposition to the rapidly increasing power of Harald Harfager, the first monarch who acquired the dominion of all Norway, we find the Isles said by the Sagas to be in the possession of Scotch and Irish Vikings, and Ketill appears in the Irish Annals under the name of Caittil Finn as the leader of a people called the Gallgaidheal, a name applied to those Gaidheal who became subject to the Norwegians, and conformed to their mode of life. Harald, however, eventually conquered both the Orkney Islands and the Sudreys or Western Isles. The former came under the rule of a line of Norwegian Jarls, who, by the marriage of one of them with the daughter of 'Dungadr, Jarl of Katenes,' that is, of Duncan,

The Gall-gaidheal.

[21] There is no foundation for the usual statement that the Sudreys meant merely the islands south of the Point of Ardnamurchan, which is contradicted by the language of the Sagas.

[22] This is Munch's opinion. See his *Chronicle of Man*, preface, p. xviii.

the Celtic Mormaer of Caithness, added that province to their dominions; and the Norwegian population seem to have as completely colonised the eastern and level part of Caithness as they did the Orkney Islands.

Harald appears to have governed the Western Isles by Norwegian Jarls, but his hold upon them was slight, and apparently ceased with his death, and they became merely the haunt of stray Vikings until the middle of the following century, when their possession was contested between the Danes of Dublin and Limerick, who had got a firm hold of the Island of Man, and the Norwegian Jarls of Orkney. One of the principal leaders of the Danes of Dublin, Anlaf Cuaran, had become connected with the Scottish King Constantine, and appears to have exercised some authority over the islands; but at the great battle of Brunanburgh, in which he and his father-in-law Constantine were engaged, we find the death of Geleachan, King of the Isles, recorded, as well as that of Cellach, a prince or Mormaer of Scotland,[23] names which undoubtedly show a Gaelic form. Soon after we find Maccus or Magnus, son of Aralt, a leader of the Danes of Limerick, called King of Many Islands, and a struggle took place between his brother and successor Godfred, son of Aralt, called King of Innsigall, and Sigurd, Norwegian Jarl of Orkney, for the possession of the western Isles, when the former was slain by the Gaelic people of Dalriada or Argyll, and the Isles were acquired by the Orkney Jarl, who soon after added to his territories the western and northern districts of Scotland. His territories are said in the Sagas to have consisted, besides Orkney and the Sudreys, of Katanes, Sudrland, Myrhaevi or Moray, and Dali or the glens of Argyll, on the west, and we find a Jarl Gilli apparently ruling the Isles, whose principal seat was the island of Coll, and whose name has a Gaelic form.[24] He pays scatt or tribute to

[23] *Annals of the Four Masters*, vol. i. p. 634.

[24] Dasent, *Saga of Burnt Njal*, vol. ii. pp. 12, 39, 40.

Sigurd, and obtained his sister in marriage. Under Sigurd's son Thorfinn, the most powerful of the Orkney Jarls, after the defeat and death of King Duncan in 1040, the whole of the northern districts of Scotland, as far as the river Tay, fell under the power of the Norwegians, who likewise possessed the Sudreys or Western Isles and the Gaelic district of Galloway, while Macbeth, the Mormaer of Moray, ruled as king over the dominions left to him, and the other districts south of the Firths of Forth and Clyde adhered to the family of Duncan; but on the death of Thorfinn, we are told that the additional territories acquired by him fell back to their native lords. Malcolm, the son and heir of Duncan, succeeded in defeating and killing the usurper Macbeth, and his successor Lulach, also of the family of the Mormaers of Moray, and establishing himself as king over the same territories which had been possessed by his father. The Western Isles pass for a time under the power of an Irish king of Leinster, which shows how powerful the Gaelic element in their populations still was, and on his death fell under the authority of the Crown. At this time the Isle of Man was in the possession of the Danish kings of Dublin, but a powerful Norwegian Viking who had joined the expedition of Harald, king of Norway, in 1066, with his followers, and fought at the battle of Stamford Bridge, succeeded after that defeat in driving the Danes out of Man and extending his power over the Western Isles, where he founded a new dynasty of Norwegian kings of the Isles. He is termed in the Chronicle of Man Godred Crovan, and, in the Irish Annals, Goffraig Meranach, king of the Galls of Dublin and the Isles, where his death,[25] which, according to the Chronicle of Man, took place in the island of Isla, is recorded in 1095. The Isles had, however, two years

[25] Goffraig Meranach ri Gall mortuus est.—*An. Ult. ad an.* 1095.

Atbath don mhortladh chetna (of the same pestilence died) Gofraidh Meranach tighearna Gall Athacliath agus na ninnsidh.—*Annals of the Four Masters*, vol. ii. p. 950.

before been invaded by Magnus, king of Norway, and brought under his dominion, and were eventually formally ceded to him by King Eadgar in the beginning of his reign, who thus, for a time, terminated their nominal connection with the Scottish kingdom. After the death of King Magnus, we find the leading men of the Isles applying to the king of Ireland to send them some person of worth of the royal family to act as their king till Olave, the son of Godred, should grow up, and Donald, son of Tadg, was sent, who is said in the Annals of Innisfallen to have acquired the kingdom of Innsigall by force,[26] but was driven out when the king of Norway sent a Norwegian named Ingemund. But on his attempting to have himself appointed king, he was attacked and slain by the chief men of the Isles, and Olave, the son of Godred Crovan, was established as king over all the Isles, and ruled them for forty years. The Norwegians at this time still possessed the western seaboard of Scotland north of the Firth of Clyde, and the district of Galloway. According to the Red Book of Clanranald, 'All the islands from Manann, or the Isle of Man, to Arca, or the Orkneys, and all the bordering country from Dun Bretan, or Dumbarton, to Cata, or Caithness, in the north, were in the possession of the Lochlannach or Norwegians, and such of the Gaedhal of those lands as remained were protecting themselves in the woods and mountains.'[27]

This is probably a true picture of the relative position of the Norwegian and the Gaelic population at this time, and is no doubt equally applicable to the district of Galloway; but, during the rule of Olave over the Isles, a simultaneous effort seems to have been made by the Gaelic inhabitants of both districts to free this mainland border country from the presence of the Norwegians. The leader of the native Gaelic population of Argyll was Somerled, and of that of Galloway was Fergus. The former

[26] *Chron. Picts and Scots*, p. 170.

[27] See translation of *Book of Clanranald* in the Appendix, No. I.

bears certainly a Norwegian name, but the names of father and grandfather have been preserved. He was son of Gillebride, son of Gille-adomnan, and these names are of too purely a Gaelic form to indicate anything but a Gaelic descent, and they are said in the Book of Clanranald to have taken refuge from the Norwegians in Ireland, and to have had a hereditary right to the mainland territories possessed by the latter. The name of the father of Fergus of Galloway has not been preserved, but his own name is a purely Gaelic form, and his personal qualities probably raised him to the leadership of the Gaelic population. Macvurich describes Gillebride, the father of Somerled, as being present at a conference held by the Macmahons and Maguires in Fermanagh, and obtaining help from them to regain his inheritance in Scotland. He went over to Scotland with his son Somerled and a band of followers, and when in the mountains and woods of Ardgour and Morvern, they were surprised by a large force of Norwegians, who were, however, eventually defeated by Somerled and his party; and, adds Macvurich, 'he did not halt in the pursuit until he drove them northward across the river Sheil, and he did not cease from that work until he cleared the western side of Alban from such of the Norwegians as had acquired the dominion of the islands, with the exception of the island called Innsigall, and he gained victory over his enemies in every field of battle.'[28] We have no record of what took place in Galloway, except that the result appears to have been the same, for we find the people of Galloway joining the army of King David at the Battle of the Standard under their Celtic leaders, and Fergus fully established in his reign as Lord of Galloway. The Norwegians, however, were not allowed even to retain quiet possession of the Isles, and Somerled, who now appears as Regulus of Argyll, succeeded in eventually wresting the

[28] *Ib.*

Southern Isles from them. Macvurich tells us that after he had cleared the mainland of the Norwegians 'he spent some time in war, and another time in peace,' and during one of these intervals peace appears to have been concluded between the leaders of the Gaelic population and the Norwegian king Olave, for the latter married Afreca, daughter of Fergus, the Celtic lord of Galloway, by whom he had a son, Godred, and gave one of his own daughters to Somerled, the Celtic Regulus of Argyll, in marriage, who had by her four sons, Dubhgal, Reginald, Angus, and Olave.[29] During the reign of Olave he is said by the Chronicle of Man to have 'lived upon such terms of union with all the kings of Ireland and Scotland that no one dared to disturb the kingdom of the Isles as long as he was alive;' but after his death the two populations came again into conflict, which resulted in the Gaelic population of Galloway maintaining their independence, and those of Argyll adding a large portion of the Islands to the dominions of their leader. Olave was slain in the island of Man by the sons of his brother Harold, who had formed a conspiracy against him in the year 1152, upon which, we are told in the Chronicle of Man, the conspirators divided the land among themselves, and a few days afterwards, having collected a fleet, they sailed over to Galloway, intending to conquer it for themselves. The Galloway men, however, formed themselves in a body and assailed them with great impetuosity; whereupon they speedily fled in great confusion, and either slew or expelled from it all the men of Galloway who were resident within the island.'[30] In the following year Godred, the son of Olave, arrived with some ships from Norway, and was elected by the chiefs of the Isles as their king; but he was no sooner secure in his kingdom than he became tyrannical to his chief men, some of whom he dispossessed, and others he degraded from their dignities. One of the most

[29] *Chron. of Man, ad an.* 1140. [30] *Ib.*

powerful of these, Thorfinn, son of Otter, went to Somerled and asked to have his son Dubhgal, whose mother was King Olave's daughter, that he might set him on the throne of the Isles, and taking him through the Isles he forced the chiefs to acknowledge him for their sovereign, and to give hostages for their allegiance. Another of these chiefs called Paul fled privately to Godred, who seems to have been in Man, and told him what had taken place, when he immediately collected his followers, got his ships ready, and sailed to meet the enemy. Somerled, too, collected a fleet of eighty vessels, and a sea-battle was fought between Godred and Somerled, during the night of the Epiphany, with great slaughter on both sides, and next morning they came to a compromise, and divided the sovereignty of the Isles, 'so that from that period they have formed two distinct monarchies till the present time.'[31]

Somerled was slain, as we know, at Renfrew in the year 1164, and on his death his eldest son Dubhgal appears to have succeeded him in his mainland territories, while his possessions in the Isles fell to his second son Reginald with the Norwegian title of king. Godred died in the Isle of Man in the year 1187, and was succeeded by his eldest son Reginald. There thus came to be two Reginalds reigning over the Isles at the same time, the Norwegian Reginald the son of Godred, and the Celtic Reginald the son of Somerled. Both bore the title of King of the Isles, and thus they are often confounded. There is preserved in the Book of Fermoy a curious poem which throws some light on the state of the Isles at this time.[32] It consists mainly of a panegyric on the Norwegian Reginald, but appears to allude likewise to the other Reginald. When the Isles were divided, those which lie south of

[31] *Ib.*

[32] The author is indebted to W. M. Hennessey, Esq., of the Public Record Office, Dublin, for a copy of this poem, collated with one in his own possession. It is printed in the Appendix, No. II., along with a translation by Mr. Hennessey.

the Point of Ardnamurchan appear to have fallen to the share of Somerled, and his son Reginald seems to have had his chief seat in the island of Isla. The Isles retained by the Norwegians consisted of Skye, the Long Island, and the islands of Tyree and Coll. The latter island of Coll, which we find was the chief seat of the Jarls who had ruled the Isles under the king of Norway prior to the establishment of the Norwegian kingdom of the Isles, appears to have remained as the chief seat of the Norwegian Reginald, for he is addressed in the poem as king of Coll. The islands of Arran and Bute in the Firth of Clyde appear to have been shared between the two Reginalds, the Norwegian retaining Arran, which forms a prominent feature in the poem under the poetic name of *Eamain Abhlach* or Eamania of the apple-trees,[33] and Bute passing over to the Celtic Reginald.

It is unnecessary for our present purpose to follow the history of the Western Isles further. Suffice it to say that Argyll came under the power of the Crown in 1222, when Alexander the Second firmly established his authority over this extensive western region. In 1196 William the Lion had brought the great northern district of Caithness under subjection, and severed the southern half of it, which he placed under a Scotch lord, and in the same reign of Alexander the Second, the restricted earldom of Caithness passed into the possession of a branch of the Celtic family of the Earl of Angus, and he died in the island of Kerreray while endeavouring to wrest the Isles from Norway. In the following reign the whole kingdom of the Isles passed into the possession of the Scottish monarch, the last Norwegian king of Man having died in 1265, and the Isles being formally ceded to Alexander the Third in 1266 ; and thus the power of

[33] *Ise in Manannan sin robai i n-arainn ocus as friaside adberar E-main Ablach.* It was this Manannan that resided in Arann, and this is the place which is called Eamania of the apple-trees.—*Yellow Book of Lecain, Atlantis*, vol. iv. p. 228.

the Norwegians entirely disappeared from the mainland of Scotland and from the Western Isles, the islands of Orkney and Shetland alone remaining as a dependency of the kingdom of Norway.

During the entire duration of this Norwegian kingdom of the Isles, we see the frequent appearance of a subordinate body termed the Princes or Chiefs of the Isles,[34] whose recognition of the authority of the king was necessary to his assumption of that position. We see them electing a king and occasionally deposing a king; and that this body consisted of persons partly of Norwegian and partly of Gaelic descent is evident, from their sometimes deferring to the authority of the king of Norway, and at other times appealing to Ireland for aid. When the Norwegian influence was paramount, they would accept the control of the Norwegian monarch. When the Gaelic influence predominated, they seem invariably to have fallen back upon the kindred Gael of Ireland, and come under their influence. The inferior population of the Isles throughout was probably Gaelic, who formed the actual occupiers of the soil under superior lords, some of Norwegian and some of native descent.

When the partition of the kingdom of the Isles took place between Olave and Somerled, the Southern Isles, which thus passed under the rule of a native lord, would naturally attract to them the Gaelic population, both chiefs and people, while the chiefs of Norwegian descent would as naturally withdraw to the Northern Isles, which remained under Norwegian rule; and thus the Norwegian population would become more restricted to these islands, while that of the Southern Isles would become more purely Gaelic; accordingly we find the Norwegian place-names in Skye and the Long Island are more numerous and more thoroughly spread over the Isles than in the islands south of the Point of Ardnamurchan, a result we

[34] Principes Insularum.—*Chron. Manniæ.*

might also naturally expect from the Norwegian occupation of the former having lasted a century longer than that of the latter. We should also expect to find that after the partition of the Isles the Northern Islands would become comparatively deserted by the lower class of the population, the actual occupiers of the soil; and the condition of these islands at this time may be gathered from the Chronicle of Man, where it tells us that the Norwegian king Reginald 'gave his brother Olave the island which is called *Leodhus* or Lewis, which though larger than any of the other isles is mountainous, rocky, and almost entirely inaccessible. It is of course thinly peopled, and the inhabitants live mostly by hunting and fishing. To this island Olave retired, and lived in the way of poverty. Seeing the island could not support him and his followers, he went confidentially to his brother Reginald, who was at that time resident in the Islands, and thus accosted him: Brother, my lord and sovereign, thou art conscious that the kingdom of the Isles is my birthright, but as the Almighty hath appointed thee to rule over them, I neither envy nor begrudge thee this royal dignity. Let me now only entreat thee to appoint me some portion of land in the Islands, where I may live creditably with my people; for the island of *Leodhus*, which thou hast given me, is insufficient for my maintenance.'[35] Apparently Reginald saw no way of satisfying his demand, and found an easier solution in making him prisoner and sending him to King William the Lion, who imprisoned him during the rest of his reign.

We likewise see from the Chronicle of Man that there was frequent intermarriage between the two races who occupied the islands, and this would not only lead to the introduction of personal names of Norwegian form into families of pure Gaelic descent in the male line, but must to a great extent have altered the physical type of the Gaelic

[35] *Chron. Mannie, ad an.*

race in the islands; but there is no reason to suppose that, after the entire defeat of the Norwegians in the reign of Alexander the Third, and the cession of the kingdom of the Isles to him, there remained in them many families of pure Norwegian descent, and from the population of Scotland, as we find it in his reign, the Norwegian element, never probably a very permanent and essential ingredient, must now have entirely disappeared.

The Estate of the Realm in 1283.

When the 'Communitas' or Estates of Scotland met at Scone on the 5th of February 1283, to regulate the succession to the crown, we find that the great holders of the land in Scotland consisted at this time, first, of thirteen of the great hereditary earldoms, one of which was held by a family of Anglic descent, and four by Norman barons who had succeeded by inheritance in the female line to the ancient Celtic earls; and, secondly, of twenty-four barons, of whom eighteen at least represented the Norman baronage of the kingdom, while the Celtic element is represented only by three families descended from Somerled, the great Celtic Lord of Argyll;[36] and when Edward the First placed the whole of Scotland under four justiciaries in 1315, we find the country south of the Firths of Forth and Clyde still divided into the two great districts of Lothian and Galloway, but the lands beyond the Scottish Sea, that is, north of these firths, are now for the first time differently grouped, one division consisting of the country between the river of Forth and the mountains, and the other of the lands beyond the mountains, or that part of the country to which the Gaelic population was now restricted.[37]

The account given by Fordun of the distribution of the

[36] See *Act. Parl.*, vol. i. p. 424.

[37] Puis est treitez et acordez de mettre quatre poire des Justices en la terre Descoce et pur ce que les choses soient mesnees de meillur array et plus a honur et au profite de nostre seignur le Roy et al aisement du poeple est assentu que en LOENEYS soient deux Justices, cest asavoir monsieur Johan del Isle

Distinction of population into Teutonic Lowlanders and Gaelic Highlanders.

population in his day entirely corresponds with this. He says—'The manners and customs of the Scots vary with the diversity of their speech, for two languages are spoken amongst them, the Scottish and the Teutonic, the latter of which is the language of those who occupy the seaboard and plains, while the race of Scottish speech inhabits the highlands and outlying islands. The people of the coast are of domestic and civilised habits, trusty, patient, and urbane, decent in their attire, affable and peaceful, devout in divine worship, yet always prone to resist a wrong at the hands of their enemies. The highlanders and people of the islands, on the other hand, are a savage and untamed nation, rude and independent, given to rapine, ease-loving, of a docile and warm disposition, comely in person but unsightly in dress, hostile to the English people and language, and, owing to diversity of speech, even to their own nation, and exceedingly cruel. They are, however, faithful and obedient to their king and country, and easily made to submit to law if properly governed.'[38]

This description is no doubt to some extent coloured by the predilections of one who himself belonged to the low-country population, but it is not greatly unlike the prejudiced view taken of the characteristics of the Celtic population by late historians, and the struggle between the prejudices of the old historian against the Highland population and his reluctant admission of their better qualities is apparent enough.

We thus find a Gaelic-speaking people in the Highlands

et monsieur Adam de Gurdon. En Ga[lo]way monsieur Roger de Kirkpatrick et monsieur Wautier de Burghdone. Et pur LES TERRES DELA LA MER DESCOCE, cest asavoir ENTRE LA RIVERE DE FORTH ET LES MONTZ monsieur Robert de KETH et monsieur William Inge. Et pur LES TERRES DELA LES MONTZ Monsieur Reynaud le Chien et Monsieur Johan de Vaux du Counte de Northumber.—*Act. Parl. Scot.*, vol. i. p. 120.

[38] Fordun's *Chron.*, vol. ii. p. 38.

and a Teutonic-speaking people in the Lowlands. The language of the former is at an earlier period termed Albanic, and afterwards Scotch, the language of the latter is by the native writers prior to the sixteenth century usually termed Inglis; but in the sixteenth the progress of a literature in the latter tongue led to those who used it calling it Scotch, while they applied to the Celtic dialect, formerly called Scotch, the epithet of Irish corrupted into Erse. The Celtic part of the population has never given any other name to their language than Gaelic, and term the language of the Lowlanders *Beurla Sassannach*, or the Saxon tongue.

It is the social history and position of this portion of the population with which we have now to do.

CHAPTER II.

THE SEVEN PROVINCES OF SCOTLAND.

Old division of Scotia into provinces.

DURING the Celtic period of her history we find Scotland exhibiting a distribution of her population in separate districts, which is very analogous to what existed in Ireland at the same period. The latter country appears from a very early period to have been divided into five provinces, and these provinces of Udlah or Ulster, Laighean or Leinster, Mumhan or Munster, and Connacht or Connaught, with Midhe or Meath, were ruled by provincial kings under the Ardri, or supreme king of Ireland, who had his royal seat at Teamhar or Tara in Meath.

Seven provinces in the eighth century.

In the same way the earliest account we possess of the provincial distribution of the population of Scotland tells us that Transmarine Scotland,[1] or the country north of the Firths of Forth and Clyde, was anciently divided by seven brothers into seven provinces, and that the principal of these was *Enegus* with *Moerne*, so called from *Enegus*, the firstborn of the brothers. This name of *Enegus* or Angus, now represented by the county of Forfar, is no doubt the same with the ancient Celtic personal name of Angus; and *Moerne*, now called Mearns, or the county of Kincardine, is a corruption of the old Gaelic name *Maghgherghin*, that is, the plain of Gergin, and is alluded to under that name

[1] Bede tells us (B. i. c. 12) that the Picts and Scots were termed transmarine nations, not because they came from beyond Britain, but because they belonged to that remote part of Britain beyond the two firths. The word Transmarine Scotland is adopted as a convenient term for Scotland beyond the Firths of Forth and Clyde.

in one of the old Lives of St. Patrick.[2] The second province was *Adtheodle* and *Gouerin*, or Atholl and Gowry. The old form of this name of *Adtheodle* was *Athfodla*, in which form it appears in the Annals of Tighernac, and *Gouerin* was probably *Gabhrin*, a name analogous to the old name of the district of Ossory in Leinster, which is called Gabhran, pronounced Gowran.[3] The third was *Sradeern* and *Meneted*, or Stratherne and Menteath, and there seems no doubt that the former is the district which appears so frequently in the Irish Annals under the name of Fortren.[4] The fourth was *Fif* with *Fothreve*. The old form of the former name was *Fibh*. The latter name has entirely disappeared, but was preserved in the deanery of Fothri, in the diocese of St. Andrews. The two together embraced the entire peninsula between the Firths of Forth and Tay, and the line of division between *Fibh* on the east and *Fothreve* on the west extended from the eastern boundary of the county of Fife on the Tay to the mouth of the river Leven on the Forth. The fifth province consisted of Mar and Buchan, which still bear these names and form the modern county of Aberdeen. The sixth was Muref and Ros. The old form of the former name was *Moreb*, and was applied to a large territory extending along the southern shore of the Moray Firth from the river Spey, and across the entire country to the Western Sea. It was anciently separated from Ros by the river of Beauly, the passage across which was by a ford termed the Stockford,[5] and the name, which signifies in old Gaelic a promontory, was very applicable to the peninsula stretching into the Moray Firth between the Firths of Cromarty and Dornoch. The

[2] Defunctus est Palladius in Campo Girgin, in loco qui dicitur Forddun.—Colgan, *Tr. Th.* p. 13.

[3] *Book of Rights*, pp. 17 and 49.

[4] When the Pictish Chronicle tells us that the Norwegians were cut off in *Sraith-herne* or Stratherne, the Irish Annals narrate the same event as a slaughter by the men of Fortren.—*Chron. Picts and Scots*, pp. 9 and 362.

[5] Across the Stockfurde into Ros. —*Wyntoun.*

seventh province was Cathanesia, within and beyond the mountains, for the mountain called Mound divides Cathanesia into two parts. This is the range now called the Ord of Caithness. The old form of the name is *Caith*, from which the Norwegians formed the name *Katanes*, compounded of that syllable with the Norwegian word *nes*, signifying a promontory, and applied it to that part of the province which lay to the north of the mountains, while they termed the southern half *Sudrland*, from which comes the modern name of Sutherland. Each province thus consisted of two districts, forming in all fourteen, and the old description proceeds to tell us that these seven brothers who thus divided the country might be considered as seven kings who had under them seven inferior kings, making fourteen in all, and that the seven kings divided the kingdom of Alban into seven kingdoms, in which each reigned in his own time.[6]

As the western region, which formed the Scottish kingdom of Dalriada, is here omitted, while it includes the district of Caithness, which soon after the ninth century passed into the possession of the Norwegian Earls of Orkney, it is obvious that this description applies in the main to the territory of the Pictish kingdom prior to the accession of the Scottish dynasty which united it with Dalriada; and we find mention during this time of the petty kings of *Athfodla* or Atholl, and of *Fortren* or Stratherne,[7] while during the last century of the independent existence of the Pictish monarchy, the *Ardri*, or supreme king, had his principal seat at Scone in the district of Gowry.

Seven provinces in the tenth century.

The old descriptions then give us another legendary version of these seven provinces, which the author says were described to him by Andrew, bishop of Caithness, a Scotsman

[6] *Chron. Picts and Scots*, p. 136.

[7] 693 *Bruidhe mac Bile Rex Fortrend moritur.*

739 *Tolarcan mac Drostan rex Athfhotla a bathadh la h'Angus* (drowned by Angus).—*Tigh. Ib.* pp. 75, 76.

by birth, and a monk of Dunfermlyn, who flourished at the time it was compiled, viz., in the first year of the reign of William the Lion; and if the first account applies to the Pictish kingdom prior to the ninth century, it is equally clear that this latter account must be referred to the kingdom of Alban or Scotia which succeeded it, for it omits altogether the province of Cathanesia, which had now passed into the possession of the Norwegians, and substitutes for it a province termed Argathelia, which must have included within its bounds the territory which had formed the ancient Scottish kingdom of Dalriada.

The bishop describes the provinces more by their natural boundaries than by the two large districts included in each. According to his account, the first kingdom or province extended from that great water, termed in Scotch *Froch*, that is, Forth, in British or Welsh *Werid*, in Roman (by which he evidently means Anglic) *Scottewatre*, or the Scottish Water, which divides the kingdoms of Scotland and England, and flows past the town of Strivelin or Stirling, as far as that other great river which is called Tae, or the Tay. This province corresponds in extent with the third province of the first list, which includes Stratherne and Menteath. His second province extends to *Hilef*, as the sea encircles it till it reaches a mountain on the north plain of *Strivelin* or Stirling, which is called *Athrin*, by which Athrie in the gorge of the Ochils can alone be meant. The district of Gowry is situated between the river Tay and the Isla, if that river be meant by the *Hilef*, but its eastern boundary is the small stream called the Liff, which is believed to have been formerly the channel through which the Isla reached the sea instead of flowing into the Tay, and that part of this province which is encircled by the sea points plainly to the great peninsula between the Firths of Tay and Forth. This province, therefore, does not entirely correspond with any of the provinces in the first list,

but is formed of its fourth province of Fife and Fothreve, with the addition of Gowry. The bishop's third province extends from Hilef to the Dee, and corresponds with the first province in the first list, containing the district of Angus and Mearns. His fourth province extends from the Dee to that great and wonderful river termed the *Spe* or Spey, the greatest and best of all Scotia. This province, therefore, corresponds with the fifth province in the first list containing Mar and Buchan. The fifth province extended from the Spey to the mountain *Bruinalban* or Breadalbane, and corresponds with that part of the second province of the first list termed *Adtheodle* or Atholl. The sixth province is Muref and Ros, which is the same with the sixth province in the first list; and the seventh is *Arregaithel*. The changes thus produced upon the provincial distribution of the population by the formation of the kingdom of Alban or Scotia in the ninth century were, first, that in place of the province of Fife and Fothreve, we now find a larger province, including Gowry, with Scone, the royal seat of the *Ardri*, or supreme king; and here, probably, the chief settlements of the Scots had been made, and the chief power and influence of the kings of Scottish race were formed. It lay between the provinces of Stratherne and Menteath or *Fortren* on the south-west, and of Angus and Mearns or *Maghgherghinn* on the north-east, where, during the period of this dynasty, the men of Fortren on the one hand and the men of Mearns on the other appear as a separate people, and probably represented those remains of the older population which still preserved a separate existence.

The separation of Atholl from Gowry, and the fact that the first five provinces are described by their natural boundaries, while the sixth retains its older designation of Muref and Ros, rather points to the great mountain barrier which separates the Highlands from the Lowlands now assuming greater significance in the tribal distribution, the

population within it being less affected by the change of dynasty and retaining more of their older constitution. Thus we find at this period the older title of *Ri* or king still appearing in the province of Moray only.[8]

The great change, however, in this list is the disappearance of Cathanesia or Caithness and Sutherland from the provinces, and the substitution of Arregaithel for it. The former had become in the tenth century a possession of the Norwegian Jarls of Orkney, and the separate petty kingdom of Dalriada had ceased to exist. The name of Arregaithel, however, must not be held as synonymous with that of Dalriada, but appears to have been applied to a much larger district than that which formed that small kingdom. In a former part of the description, the author terms it the principal or largest part of the country on its west side, over against the Irish Sea, and talks of the mountains which separate it from Scotia; and we can see from the references to it in one of the statutes of William the Lion, in the first year of whose reign this description was written, that it comprised, in fact, the entire western seaboard of Scotland, and included not only the territory which had formed the kingdom of Dalriada, but also the western districts of the province of Moray and Ross. In this statute a distinction is drawn between the country situated between the Forth, the river Spey, and Drumalban, and the districts beyond these limits, which consist of Moravia or Moray, Ros, Katanes or Caithness, Ergadia, and Kintyre. Ergadia here is merely the Latin form of *Arregaithel*, and Kintyre had been separated from it when the Western Isles were ceded in the end of the eleventh century to Magnus, king of Norway, who, by a stratagem, included it in the Norwegian kingdom of the Isles. We find, however, in the same statute 'Ergadia which belongs to Scotia'

[8] 1020 Findlaec mac Ruaidri Mormaer Moreb.—*Tigh.* Findlaec mac Ruadri Ri Alban.—*An. Ult.*

or the southern part of it, distinguished from 'Ergadia which belongs to Moravia,' or that part which formed the western districts of Moray; and in a charter by King Robert the Bruce reviving the old earldom of Moravia, it is said to extend to the boundary of 'northern Ergadia, which belongs to the Earl of Ross.'[9]

The author of the description, who is usually supposed to have been Giraldus Cambrensis, but whose etymologies show him to have been evidently a Welshman and acquainted with the Welsh language, gives us four interpretations of the name Arregaithel. He says it is so called as 'the margin of the Scots or Irish,' for all the Irish and Scots are generally called Gattheli, from their original leader *Gaithelglas;* or because the Scotti Picti first peopled it after their return from Ireland;[10] or because the Irish occupied these parts after the Picts; or, what is more certain, because that part of the country of Scotia is more closely connected with the country of Ireland.

In the Irish Annals the form of the name is *Airergaidhel*,

[9] Et si ille qui calumpniatus est de catallo furato vel rapto vocat warentum suum aliquem hominem manentem inter Spey et Forth vel inter Drumalban et Forth habeat ab illo die quo calumpniatus fuerit xv. dies ad producendum warentum suum qui infra dictas divisas maneat ad locum sicut Rex David constituit in comitatu ubi calumpnia tus fuerit. Et si quis ultra illas divisas velut in Moravia vel in Ros vel in Katenes vel in Ergadia vel in Kentyre vocaverit warentos habeat omnes warentos illos quos habere debuit ab ultimo die quindecem dierum predictorum in unam mensem ad locum ubi ipse qui calumpniatus est de catallo furato vel rapto cum catallo adductus erit. Et si calumpniatus venerit pro warento suo qui maneat vel in Moravia vel in Ros vel in Katenes vel in *Ergadia que pertinet ad Moraviam* nec illum habere poterit tunc veniat ad vicecomitem de Invirnisse, etc. . .

Item si calumpniatus vocaverit warentum aliquem in *Ergadia que pertinet ad Scotiam* tunc veniat ad Comitem Atholie vel ad Abbatem de Clendrochard, etc.—*Act. Parl.* vol. i. p. 372.

Dominus Rex pro pace et stabilitate regni sui observanda statuit et ordinavit quod de terris subscriptis fient videlicet De *terra Comitis de Ros in Nort Argail.—Ib. ad an.* 1292, vol. i. p. 447.

[10] The term Scotti Picti is here evidently a rendering of the name of *Gwyddyl Ffichti*, by which the Picts were known to the Welsh, and the allusion to their return from Ireland refers to the tradition of their settlement as given by Bede.

Airer signifying a district.[11] The Scotch form is *Earrgaoidheal* from *Earr*, a limit or boundary, and this approaches most nearly to the form of the name in the old description, with its etymology of margin or limit of the Gael. The oldest name is that probably in the Albanic Duan, where it is termed *Oirir Alban*, or the coast lands of Alban, from *Oirthir*, a coast or border; and we find the name *Oirir* applied to it in the Book of Clanranald, which distinguishes the *Oirir a tuath*, or northern Oirir, and the *Oirir a deas*, or the southern Oirir, from each other. The name given to this district by the Norwegians was *Dali* or *Dalir*, the Dales, and Somerled, the Regulus of Arregaithel, and his family, are termed in the Orkneyinga Saga the *Dalveria Aett*, or family of the Dales.[12]

Districts ruled by kings and afterwards by Mormaers.

Such being the territorial divisions of Scotland at this period, we find, in place of each province being under the rule of a *Ri* or king, with a subordinate division under a sub-king that, with the exception of *Arregaithel* or Argyll, the rulers of the whole of these districts now bear the name of Mormaer or great Maer or Steward, while the Mormaer of Moreb or Moray appears occasionally under the title of *Ri* or king. These Mormaers held a position in the scale of power and dignity inferior only to the *Ardri* or supreme king. Thus, in narrating the great battle fought in 918 between the Danes and the people of Alban, in the reign of Constantin, son of Aedh, king of Alban, the Irish Annals tell us that neither their king nor any of their Mormaers fell by him;[13] and the Pictish Chronicle mentions in the same reign the death of Dubucan, son of Indrechtaig, Mormaer Ængusa, or of Angus.[14] In 965 Dubdon Satrapas Athochlach, that is, Governor of Athole, by which title the Mormaer is probably meant, fell in battle, according to the Pictish Chronicle. The same chronicle

[11] Reeves's *Adamnan*, p. 397.
[12] *Orkneyinga Saga*, p. 181.
[13] *Chron. Picts and Scots*, p. 363.
[14] *Ib.* p. 9.

records in the reign of Cullen, who died in 970, the death of Maelbrigdi, son of Dubucan the Mormaer of Angus; and in 976 Tighernac tells us that three Mormaers of Alban, whose names he gives us as Cellach son of Findgaine, Cellach son of Baredha, and Duncan son of Morgaind, took part in a foray by one of the petty kings of Ireland against another.[15]

The reign of Malcolm the Second, who ascended the throne in 1004, and whose thirty years' rule over Alban was distinguished by the acquisition of the cismarine territories south of the Firths of Forth and Clyde, throws still further light upon the position of these provincial rulers. In the early part of his reign the great conflict took place between the Danes of Dublin and the native Irish under their great king Brian Boroimhe, which was to determine whether the Galls or foreign hordes of Scandinavia or the native Gaedheal were to retain possession of Ireland; a conflict terminated in favour of the Gaedheal when the battle of Clontarf was won in the year 1014 by Brian, the *Ardri*, or supreme king of Ireland, though, like some other victorious generals, he lost his own life in the struggle. In this great conflict we find the people of the provinces taking part on both sides; those in the possession of the Norwegians siding with the Danes, and those under native rule taking part with King Brian. To the assistance of the Danes came Sigurd, Norwegian Earl of Orkney, with the host of the Orkneys and of the Norwegian Islands, the Galls or Norwegians of Caithness and Mann. Skye, Lewis, Kintyre, and *Oirergaidhel* or Argyll, are especially mentioned as being on the Danish side. On the other hand, ten Mormaers followed Brian with foreign auxiliaries, who probably represented the districts in Alban under native rule, and the leading man among them appears to have been Donald, son of Eimin, son

[15] *Chron. Picts and Scots*, p. 77.

of Cainnech, Mormaer of Mar, who fell in the battle of Clontarf.[16]

In this reign the Mormaers of Moreb or Moray come very prominently forward, and show us the title hereditarily borne by a very powerful family, which eventually placed two of its members on the throne. The first who appears is Findlaec the son of Ruadri, Mormaer Moreb, whose death is recorded at 1020, when he was slain by the sons of his brother Maelbrigdi. This Findlaec is obviously the Finnleikr Jarl who is mentioned in one of the Norse Sagas as defending his district in Scotland against Sigurd the Norwegian Jarl of Orkney, who eventually conquered Myrhaevi of Moray and Ross.[17] In 1029 the death of Malcolm, son of Maelbrigdi, son of Ruadri, is recorded, when he bears the title of Ri or king. He is obviously the son of that Maelbrigdi, the brother of Findlaec; and in 1032 Gillacomgan, son of Maelbrigdi, Mormaer of Moreb, was burnt with fifty of his men. The son of Findlaec was Macbeth, who afterwards usurped the throne of Scotland, and the son of Gillacomgan was Lulach, who succeeded him for the short space of three months.[18]

Petty kings of Argyll and Galloway.

In the same reign we find also the petty kings of *Arregaithel* or Argyll and *Gallgaithel* or Galloway making their first appearance. In the year 1031, when Cnut, the Danish king of England, invaded Scotland, he is said to have received the submission of Malcolm, king of the Scots, and of two other kings, Maelbaethe and Iehmarc. These kings appear to have represented the districts beyond the rivers Spey and Drumalban, which at this time formed the boundary of Scotland proper on the north-west and west; for Maelbaethe can be no other than the celebrated Macbeth, who was then Mormaer of Moreb or Moray, and Iehmarc may be identified

[16] See vol. i. p. 387, note 5. *War of the Gaedhil with the Gaill*, p. 153.
[17] Olaf Tryggvesson's Saga. *Collect. de reb. Alb.*, p. 333.
[18] *Chron. Picts and Scots*, 77, 78, and 367.

with Imergi, who appears in the old Irish Genealogies as ancestor of Somerled the petty king of Argyll.[19] The Irish Annals record in the same year in which king Malcolm died, the death also of Suibne, son of Kenneth, Ri or king of Gallgaidel. This name, which appears to have been applied in the Irish Annals as a general name of the Gaedhel or Gael of the Western Isles and of the districts lying along the coast, who became subject to and adopted the manners of the Norwegian pirates or Galls, was, as a territorial name, used in a more restricted sense, and appropriated to the district of Galloway, a name which in its Latin form of Galwethia is derived from the Welsh equivalent of Galwyddel. The Norwegians knew it by the name of Gaddgeddla, a district said in the Orkneyinga Saga to be 'at the place where Scotland and England meet.'[20]

Jarl Thorfinn.

On the death of Malcolm the Second in the year 1034 the dynasty of Scottish kings, which had been established on the Pictish throne nearly three centuries previously, came to an end. There appears to have been no male descendant left who could claim the crown, and the succession opened to his grandson by his eldest daughter. So far as the districts south of the Firths of Forth and Clyde were concerned, his claim was not opposed to the law of succession which previously prevailed there, and though inconsistent with the law of tanistry which regulated the succession to the crown among the Scots, it had been so far modified that the right of the heir-female to succeed in default of heirs-male appears to have been recognised in such an emergency, but the change

[19] *Saxon Chron. ad an.* 1031. See also vol. i. p. 397, note 22.

[20] Anderson's *Orkneyinga Saga*, p. 28, note. The author has no doubt that Munch's conjecture is correct. The expression 'where Scotland and England meet' must not be too strictly construed, but it evidently places the locality on the southern frontier of Scotland. That Gallgaedhel is geographically Galloway appears from this, that the deaths of Roland and Allan, Lords of Galloway, which took place in 1199 and 1234, are recorded in the Irish Annals under the title of *Ri Gallgaedhel*.

was too recent to have acquired a firm and permanent place in the law of the country; and here the right of Duncan, the son of the eldest daughter, was contested by Thorfinn, the most powerful of the Norwegian Jarls of Orkney, whose mother was likewise a daughter of Malcolm II.; and a war of succession followed, which was terminated by the death of King Duncan in 1040. According to a contemporary writer, he was slain by the commander of his own army, Macbethad, son of Findlaech, who succeeded him.[21] This was Macbeth, the Ri or Mormaer of Moray, who appears to have treacherously joined the Norwegian Jarl and slain his king, in hopes of obtaining, with the assistance of the former, the Scottish crown.

We are told by the Orkneyinga Saga that Thorfinn then followed the routed army, and subjected the land to himself as far south as Fifi or Fife; that he drove those who resisted him to the deserts and the woods, and subdued the country wherever he went; and that till the day of his death he possessed nine jarldoms in Scotland and the whole of the Sudreys or Western Isles.[22] These jarldoms were no doubt the districts ruled by the native Mormaers, and, if his conquest embraced merely the low country as far south as Fife, the districts which he had not subjected consisted merely of the province composed of Gowry, Fife, and Fothreve, the province of Athol, and that consisting of Stratherne and Menteath. Over these, within which Scone, the capital of the kingdom, was situated, Macbeth appears to have ruled as king, while the districts of Lothian and Cumbria recognised the son of Duncan as their legitimate monarch, with the exception of the Gaelic territory of Galloway, which was under Norwegian rule.

[21] 1040 Donnchad rex Scotiæ in autumno occiditur a duce suo Macbethad mac Finnlaech, cui succesit in regnum.—(Marianus Scotus.) *Chron. Picts and Scots*, p. 65.

[22] *Collect. de reb. Alb.*, pp. 345, 346.

In 1054, Malcolm, the eldest son of Duncan, who is termed by the historians son of the king of the Cumbrians, with the assistance of Siward, earl of Northumbria, drove Macbeth from his kingdom and regained possession of its capital, Scone; and on the death of Thornfinn in 1057 Macbeth was driven north and slain within no great distance from the frontier of his native province of Moray, and Malcolm's rule was extended over the whole kingdom as its legitimate monarch. We are told in the Orkneyinga Saga that Thorfinn 'was much lamented in his own land, but in those lands which he had subjected to himself by conquest the natives were no longer content under his government; consequently many *rikis* which the earl had subjected fell off, and their inhabitants sought the protection of those native chiefs who were territorially born to rule over them.'[23] These *rikis* were no doubt the districts subdued by Thorfinn, which now passed again under the rule of their native Mormaers, and it is rather remarkable that, with the exception of the districts of Stratherne and Menteath, when we can trace the position of the remaining districts, consisting of Athol, Gowry, Fife, and Fothreve, we find them in the possession of the Crown, and ruled over by members of the royal family.[24]

Mormaers termed by Norwegians Jarls.

By the Norwegians these Mormaers seem to have been viewed as holding the same position as the Norwegian Jarls, and this name is invariably given to them in the Sagas.

[23] *Col. de Reb. Alb.*, p. 346.

[24] Bower says of Alexander I.—'Quod patruus suus comes de Gowry dedit sibi ad donum, ut moris est in baptismo, terras de Lyff et Invergowry' (*Scotichron.* B. v. chap. xxxvi.), which shows that during the life of Malcolm III. one of his brothers possessed Gowry. Then we find that Madach, who ruled over Atholl as earl in the reign of Alexander I. and David I., was the son of Melmare, brother of Malcolm III., and his son Edelradus is designated in a charter of Admore in Kinross-shire 'Abbas de Dunkelden et insuper comes de Fife' (*Chart. St. Andrews*, p. 115), thus uniting the possession of the abbacy of Dunkeld, the patrimony of this royal family, with the earldom of Fife.

Like them, they were viewed as the hereditary rulers of the territory with which they were connected, and as protecting the rights of the Crown within its bounds. That the office, whatever it was, was held hereditarily by the same family we see in the notices of two of these families preserved in the Pictish Chronicle and in the Irish Annals. In the one we find Dubucan, son of Indrechtaig, Mormaer of Angus, succeeded by his son Maelbrigdi; and in the other we see the family of Ruadri filling the office of Mormaer of Moray, and the succession apparently following the Irish law of tanistry, and alternating between the descendants of his two sons Maelbrigdi and Findlaec; and when this family was finally driven from the throne in the person of Lulach, the grandson of the former, we find his son Maelsnectai appearing as *Ri Muireb* or king of Moray, from whom it passed through his sister to Ængus, termed in the Annals 'son of the daughter of Lulaig.'[25]

Mormaers of Buchan from the Book of Deer.

A more complete revelation, however, is made to us with regard to the Mormaers of another district, that of Buchan, in the Book of Deer, which contains the usual memoranda of the old grants made to that monastery while still retaining its character as an old Celtic foundation. Here the names of seven of the old Mormaers during the five centuries and a half which elapsed between the foundation of the Celtic monastery in the time of Columcille and the reign of David the First are given. We are told that Bede *Cruthnech*, or the Pict, Mormaer of Buchan, gave the *cathair* or city *Abbordoboir*, now Aberdour, on the south shore of the Moray Firth, to Columcille and Drostan, and afterwards certain lands called also a *cathair* or city, to which Columcille gave the name of Dear. He seems to have been followed by Comgall, son of Aeda, who made a grant to Columcille and Drostan. After him we have Matan

[25] *Chron. Picts and Scots*, pp. 370, 372.

son of Cearill, Domhnall son of Giric, and Domnall son of Ruadri, but there is nothing to show what the connection of these Mormaers with each other was or when they lived, but the dignity then passes to a family called Mac Dobharcon.[26] Two brothers, Domhnall son of Mac Dobharcon, and Cainneach son of Mac Dobharcon, follow each other as Mormaers, and the latter is succeeded by his son Gartnait, who, with his wife Ete, daughter of Gillemichel, makes a grant in the eighth year of King David, that is, in 1132.

The succession among these latter Mormaers seems to follow the same rule of tanistic succession which we have seen among the Mormaers of Moray.

Toisechs of Buchan.

The same valuable record, however, makes a further revelation regarding the organisation of those districts ruled over by the Mormaers. It shows us that the next rank under the Mormaers of Buchan was held by persons termed Toisechs, who possessed a similar relation in a subordinate capacity to the land and the people. Thus we find that Bede the Pict grants Abbordoboir free from the claim of Mormaer and of Toisech, and in the grants of land by the subsequent Mormaers there is usually associated with them the Toisech as having an interest in the subject of the grant. Among these Toisechs a family descended from Morcunn or Morgan appears very prominent. Thus Comgall, son of Aeda, grants the land from Orti to Furerie, and Mondac, son of Morcunn, gave Pette mic Garnait and Achad Toche Temni, and it is added that 'one was Mormaer and the other was Toisech.'[27] Then Cathal, son of Morcunt, gives Achadnagleree; and Domhnall

[26] *Dobharcu*, of which Dobharcon is the genitive form, signifies literally water-dog, and is the name usually given to an otter.

[27] The words *agus ise Mormaer agus ise Toisech.* This has been translated as if it meant that Mondac was both Mormaer and Toisech, while Comgall is left without a designation, but the above is the obvious meaning.

mac Giric, the fourth Mormaer named, and Maelbrigdi, son of Cathal the Toisech, gives Pett in Mulenn ; and finally Colban, Mormaer of Buchan, and Eva, daughter of Garnait (the previous Mormaer), his wife, and Donnachac, Toisech of the clan Morgainn, mortmained all the foregoing offerings to God, Drostan, Colcumcille, and Peter, free of all burdens except four davachs of such burdens as come upon chief residences of Alban and chief churches. Among the witnesses to this grant are Morgunn and Gillepetair, sons of Donnachach, and others who are called *Maithi*, that is, good men or nobles of Buchan. Another family of Toisechs which appears is that descended from Batni. Thus Matan, son of Cairill, who is the third-named Mormaer, gives the Mormaer's share in Altere, now Altrie ; and Culi, son of Batni, gives the Toisech's share. Then Domhnall, son of Ruadri, the fifth-named Mormaer, and Malcolm, son of Culi, give Bidhen, now Biffie ; and here the king comes in as also possessing rights in these lands, for Malcolm, son of Cinaetha, or Malcolm II., gives the king's share in Bidhen, Pett mic Gobroig, and the two davachs of Upper Rosabard. Then Domhnall, son of Mac Dubhacinn, mortmains all these offerings to Drostan upon giving the whole of them to him, and Cathal mortmains in the same way his Toisech's share. They also give Eddarun, and Cainnech, son of Mac Dobharcon, and the same Cathal give Alterin of Ailvethenamone ; and then it is added Cainnech, Domhnall, and Cathal mortmained all these offerings free from Mormaer and Toisech. It is unnecessary to notice the other grants further than that Comgall, son of Cainnaig, Toisech of Clan Canan, gives certain lands free from Toisech. Thus in the organisation of these districts we find a gradation of persons possessing territorial rights within them, consisting of the Ardri or supreme king, the Mormaer, and the Toisech, and the latter of these appears as not only possessing rights in connection with the land, but also standing in a relation

to the tribe or clan which occupied them as their leader.[28] The same record discloses a similar connection between the Mormaer and the land in the person of two of the Mormaers of Moray. Thus Malcolm, the son of Ruadri, who died in 1029, gives the Delerc, and Malsnectai, the son of Lulach, the successor of Macbeth as usurper of the throne, gives Pettmalduib to Drostan. These lands were probably within the province of Moray ruled by them, and we are told by the Saxon Chronicle that 'in 1078 King Malcolm won the mother of Maelslaht or Maelsnectai and all his best men,' an expression similar to that of the *Maithi* or good men of Buchan, which, as we have seen, included the Toisech 'and all his treasure and his cattle,' and he himself escaped with difficulty. His death as *Ri Moreb*, or king of Moray, is recorded, as we have seen, in 1080.

Seven earls first appear in reign of Alexander the First.

On the death of Eadgar, the successor of Malcolm III., his brother Alexander the First ruled as king over Scotland proper, while Lothian and Cumbria or Strathclyde fell to his brother David. From the time when the Celtic king Malcolm had married the Saxon princess Margaret there had been an increasing Saxon influence in the government of the Celtic provinces; and when his sons by that princess had been firmly established on the throne by foreign aid, in opposition to the attempt of their father's brother to maintain his right under the older law of succession, with the assistance of the Gaelic population, and found their chief support in the Anglic population of Lothian and the Merse, the reigns of Eadgar and Alexander the First must be viewed as essentially those of Saxon monarchs modelling their kingdom in accordance with Saxon institutions; while the object of David from the first,

[8] In the above notice from the Book of Deer the reader is referred to the edition of it printed for the Spalding Club under the able care of the late Dr. John Stuart. The facts they disclose are given here merely, and the explanation must be reserved to a subsequent chapter.

both while he governed the southern districts as earl and the whole of Scotland as king, was to introduce the feudal system of Norman England into Scotland, and adapt her institutions to feudal forms.

The charters of Eadgar relate mainly to land south of the Firths of Forth and Clyde, and we find that the immediate dependants of the Court, who formed the witnesses to these charters, were certainly Saxons; and when Alexander the First founded the monastery of Scone after the attempt made upon his life by the Gaelic population of the northern provinces, we find that the foundation charter is framed upon the model of the Saxon charters. Like the latter, which were granted with the assent of the members of the Witenagemot, who subscribe the charter as consenting parties with the designation of Episcopus and Abbas if churchmen, and of Comes or Dux if earls, without the addition of the diocese, monastery, or earldom with which they were connected; so we find this charter granted with the consent of nine persons, two of whom have the simple designation of Episcopus, who are followed by seven others, six of whom have the word Comes or Earl after their names; and the only one who is not so designated is Gospatrick, whom we know to have been at the time Earl of Dunbar, and who probably represented that part of Lothian attached to Alexander's kingdom. The other six must of course have represented the districts of transmarine Scotland, which properly formed Alexander's dominions. We thus find in his reign a body constituted somewhat similarly to that portion of the Witenagemot of the Saxon monarchs, and exercising similar functions.[29] The six persons, however, who bear the title of Comes are Beth, Mallus, Madach, Rothri, Gartnach, and Dufagan, and of these we can identify four. Mallus is undoubtedly the Mallus Comes Stradarniæ or Earl of Stratherne,

[29] *Chart. Scon*, p. 2.

who took such a prominent part in the Battle of the Standard.[30] Madach is that Maddach, *Jarl of Atjoklum*, or Earl of Atholl, said in the Orkneyinga Saga to be the son of Melkolfr or Melmare, brother of Malcolm the Third.[31] Rothri appears in a charter in the Book of Deer, granted in the eighth year of King David, as Ruadri, Mormaer of Mar; and Gartnach is the Gartnait, son of Cainnech, Mormaer of Buchan, who grants the charter. The remaining two, Beth and Dufagan, cannot be identified with certainty, but the resemblance of the name of the latter to Dubican, who appears at an earlier date as Mormaer of Angus, leads to the supposition that he may have filled that position. At all events there is enough to show that the six persons who appear with the title of Comes as representing the districts north of the Firths, were the same persons whom we have hitherto found in connection with these districts bearing the title of Mormaer; and thus the great Celtic chiefs of the country, to whom the Norwegians applied the Norwegian title of Jarl, which was a personal dignity though given in connection with a territory, now appear bearing the Saxon title of Comes or Earl, and the Celtic title of Mormaer, probably official in its origin, was now merged in a personal dignity.[32]

[30] Ailred De bello apud Standardum, printed in appendix to Fordun, *Chron.*, vol. i. p. 443.

[31] *Orkneyinga Saga*, p. 86.

[32] Compare the subscriptions to the Scone charter, 'Ego Alexander Dei Gratia Rex Scotorum propria manu mea hec confirmo . . . ego Sibilla Dei Gratia Regina Scottorum propria manu hec confirmo, ego Gregorius episcopus, etc., confirmo, ego Cormacus episcopus, etc., confirmo, ego Beth comes similiter, ego Gospatricius Dolfini assensum prebeo, ego Mallus comes assensum prebeo, ego Madach comes assensum prebeo, ego Rothri comes assensum prebeo, ego Gartnach comes assensum prebeo, ego Dufagan comes assensum prebeo (*Chart. Scon*, p. 2), with the following Saxon charters :—'Ego Æthelbalth (Mercensium Rex) hanc donationem meam subscripsi. Ego Uuor Episcopus consensi et subscripsi. Piot abbas. Uuilfirth comes. Sigibed comes. Oba comes. Beorcol comes. Heardberht frater Regis Eadberht comes, etc. Or another in 823—'Ego Eagbertus Rex Anglorum hanc donationem meam, etc., confirmavi et subscripsi. Ego Æthelwulf Rex consensi et subscripsi. Ego

In one of the earliest charters in King David's reign, we find a slight change in the position of these *comites*. It is the first of David's charters to the monastery of Dunfermline, and in this charter five bishops appear who alone prefix to their names the word 'Ego,' and add the title of Episcopus simply with the word confirmed; and then follows a list of names of persons who are said to be 'hujus privilegii testes et assertores,' and these are headed by five earls—viz., Ed Comes, Constantinus Comes, Malise Comes, Rotheri Comes, and Madeth Comes.[33] The last three are obviously the same with three of the earls who subscribe the Scone charter, and who, we have seen, had been Mormaers of Stratherne, Mar, and Atholl. Constantin appears in a subsequent charter, where King David grants to Dunfermlin 'the whole shyre of Kirkcaldy, which Earl Constantine held from them by force, in perpetual charity,' and this charter is simply witnessed by three bishops and three earls—viz., Madeth Comes, Malis Comes, Head Comes.[34] Constantin, however, appears in two documents in the Chartulary of St. Andrews, in which he is described as Earl of Fife. In the first, which is the memorandum of the grant by Edelrad, son of Malcolm, king of Scotland, abbot of Dunkeld, and also Earl of Fife, of the lands of Admore, it is said to have been confirmed by his brothers David and Alexander 'in presentia multorum virorum fide dignorum scilicet Constantini Comitis de Fyf viri discretissimi.' The second is a perambulation of the boundaries of Kirkness and Lochore, when the king sends his messengers through the province of Fyf and Fothrithi, and

Uulfred Archiepiscopus consensi et subscripsi. Ego Wigthegn Episcopus consensi et subscripsi. Ego Ealhstan Episcopus consensi et subscripsi. Ego Bearnmod Episcopus consensi et subscripsi. Ego Wulfhard Dux consensi et subscripsi. Ego Monuede Dux consensi et subscripsi. Ego Osmod Dux consensi et subscripsi. Ego Dudda Dux consensi et subscripsi, etc.—Palgrave, *Rise and Progress of the English Commonwealth*, vol. ii. pp. ccxix. ccxx.

[33] *Chart. of Dunfermlin*, p. 4.

[34] *Ib.* p. 16.

summons many of their people in one place—viz., Constantinem Comitem de Fyf virum discretum et facundum cum satrapys et satellitibus et exercitu de Fyf et Macbeath Thaynetum de Falleland (Falkland), etc. The dispute is then referred to 'tres viros legales et idoneos,' the first of whom is 'Constantinus Comes de Fyf magnus judex in Scotia.'[35] We thus see that one of the principal functions of these old Mormaers, who now appear as comites or earls, was judicial, and it is probable that the title of Magnus judex, or great judge, given to Constantin, is simply the Latin equivalent of the Celtic title of Mormaer, or great maer, and by the 'satrapes,' probably the same persons are meant who appear in the Book of Deer with the Celtic title of Toiseach. The 'Ed comes' who precedes Constantin in the first of King David's charters may possibly be the same person as the 'Head comes' who witnesses the second, but neither can be identified.[36]

[35] *Chart. of St. Andrews*, pp. 116, 117.

[36] Mr. Robertson, in his valuable work of *Scotland under her Early Kings*, considers that Beth in the Scone charter is written by a clerical error for Heth, that he is the same person with the Ed and Head of David's charters, and was Earl of Moray, and father of that Angus, Earl of Moray, defeated and slain in 1130 (vol. i. pp. 104, 190). This opinion is mainly grounded on the fact that Wimund, when he claimed to be the son of Angus, called himself Malcolm MacHeth, but Beth appears in the same form in a subsequent charter in the Scone chartulary (p. 4), and an identification, which requires us to suppose that the name has been miswritten in two charters, is not admissible. Moreover, it is not likely that an Earl of Moray should witness the foundation-charter of a monastery erected as a thank-offering for the defeat of the men of Moray in that year. As the great province of Fif consisted of the two old districts of Fyfe and Fothrithi, it is not impossible that there may at first have been an Earl connected with each, and that Beth, occupying here the leading place in which the subsequent Earls of Fife are invariably found, may have been earl along with Edelrad, and that the latter is the Ed who, along with Constantin, witnesses the earliest charter of King David, as there is a circumflex through the d of Ed, which implies that some letters after it have been omitted. This would account for Constantin appearing in the charter of Edelrad as if he were his contemporary. It may be observed that the Admore which Edelrad grants was in Fothrif, while Constantin appears in connection with Kirkcaldy in Fife, and that the name of the Thane of Falkland being

During the entire reign of David the First these earls appear simply with the designation of Comes without any territorial addition, with two exceptions, which occur towards the end of his reign. In the earliest charter the earls who witness it, among whom is Constantin, are followed by other witnesses, partly officers of state, as the chancellors, partly Norman barons, and a few Celtic names which have no designation, and the first witness who follows the earls and precedes the chancellor is Gillemichel Makduf. In the foundation charter of Holyrood, granted not long after, he follows the chancellor and the chamberlain as Gillemichel Comes, and in a subsequent charter to Dunfermline he again precedes them as Gillemichel Comes de Fif. In a charter in the Book of Deer, which must have been granted in the last year of David's reign, the earl who succeeded Gillemichel appears as Dunchad, Comes de Fif, and along with him, for the first time, appears Gillebride, Comes de Angus. Gillemichel has usually been supposed to be the son of Constantin, but this has arisen solely from the preconceived notion that all the ancient Earls of Fife bore the name of Macduff. There is, however, no evidence of any connection between them, and it is obviously quite inconsistent with the character of their appearance as witnesses in the same charter.

Policy of David I. to feudalise Celtic earldoms.

There is no doubt that David's object, on his accession to the throne, was to feudalise the whole kingdom, by importing feudal forms and feudal holdings into it, and to place the leading dignitaries of the kingdom in the position of Crown vassals, as well as to introduce a Norman baronage. The relation of those old Celtic earls or Mormaers towards the Crown on the one hand, had hitherto been purely official, and that towards the districts with which their names were con-

Macbeath, shows that the name Beath was also connected with Fife. Head may certainly have been the Earl of Moray who preceded Angus, and gave his name to the family of MacHeth.

nected was not a purely territorial one. It was more a relation towards the tribes who peopled it than towards the land. David's desire, certainly, would be to place them, whenever opportunity offered in the position of holding the land they were officially connected with as an earldom of the Crown in chief, in the same manner as the barons held their baronies, and in these cases he may have inaugurated the policy undoubtedly followed, as we shall see, by his successors.

Gillemichel Macduff, from his position in the earliest charter, must have held a high position as a follower of the king, and may have rendered him great services, which legend drew back to the usurpation of the throne of his ancestor Duncan by Macbeth, and led to the creation of the fictitious Macduff, who makes his first appearance in Fordun's Chronicle, and after Constantin's death Gillemichel may first have had the personal title of Comes or Earl bestowed upon him, and then been feudally invested with the Earldom of Fife, which thus may have become a territorial title in his person. It certainly did so in that of his successor Duncan, who received from David a charter of the earldom, which was confirmed to his successors by the subsequent kings;[37] and a similar feudal investiture of the earldom of Angus in the person of Gillibride may have added that old Celtic earldom likewise to the number, as from this time, when we find the older earldoms still conferring no territorial designation on their earls, Gillibride invariably appears along with them as Earl of Angus. During the earlier part of the reign of Malcolm IV. no change appears to have been made in the position of the existing earldoms. His first charter after his accession appears to have been his comfirmation of the grants to the

[37] See charter by Alexander the Second to Earl Malcolm of Fife, son of Duncan, Earl of Fife, of the comitatus de Fyfe. 'Sicut Comes Duncanus frater suus comitatem illum tenuit. . . Sicut carta regis David de predicto comitatu facta comiti Duncano patri ejus.'—*National MSS.* vol. i. p. 28.

monastery of Dumfermline, and this charter is witnessed first by six bishops, then by twelve barons, most of whom were Normans, and other foreigners, and then by six of the earls (De Comitibus), who are thus named: Gospatricius Comes, Ferteth Comes, Duncanus Comes, Morgund Comes, Melcolmus Comes, et Comes de Engus. The five preceding earls were those of Dunbar, Stratherne, Fife, Mar, and Athol, the earl of Buchan, who would make up the number of the seven earls, not appearing among them. To this number a temporary addition was made by Malcolm, when, on making peace with Malcolm macHeth, the pretended son of Earl Angus of Moray, in 1157, he gave him the district of Ros with the title of earl; but the inhabitants soon rose against him and drove him out.

An event, however, took place soon after, which led to the policy inaugurated by David the First, of feudalising these earldoms, being resumed by Malcolm and still further carried out by his successor. This was the attack made upon the king by six of the old Celtic earls, when, under the leadership of Ferteth, earl of Stratherne, they besieged him in Perth in the year 1160. Fordun, quoting from the Chronicle of Melrose, says, 'Six earls—Ferchard, Earl of Stratherne, to wit, and five other earls—being stirred up against the king, not to compass any selfish end, or through treason, but rather to guard the common weal, sought to take him, and laid siege to the keep of that town (Perth). God so ordering it, however, their undertaking was brought to nought for the nonce, and after not many days had rolled by, he was, by the advice of the clergy, brought back to a good understanding with his nobles.'[38] An expression in the Orkneyinga Saga would lead us to infer that the object of the six Celtic earls was to put up the young son of William Fitz Duncan, who was usually called

[38] Fordun, *Chron.* (Annals, III.) vol. ii. p. 251; and see note, p. 430.

the Boy of Egremont, and as grandson of King Duncan, the eldest son of Malcolm III. by Ingibiorg, widow of Earl Thorfinn of Orkney, had a direct claim to the throne, which would commend itself both to the Gaelic and to the Norwegian population in preference to the descendants of the Saxon princess Margaret.[39] Wyntoun gives us the following account of this occurrence:—

> A mayster-man called Feretawche,
> Wyth Gyllandrys Ergemawche,
> And other mayster-men thare fyve,
> Agayne the king than ras belyve;
> For caws that the past till Twlows,
> Agayne hym thai ware all irows:
> Forthi thai set thame hym to ta
> In till Perth, or than hym sla.
> But the kyng rycht manlyly
> Swne skalyd all that cumpany,
> And tuk and slwe.[40]

Wyntoun here associates with the five earls who followed Ferteth, the Earl of Stratherne, Gillandrys Ergemawche. If two persons are meant, Ergemawche may be a corruption of Egremont, and Gillandres may have represented the old Celtic earls of Ross, as the clan bearing the name of Ross are called in Gaelic *Clan Ghilleanrias*, or descendants of Gillandres, and may have led the revolt which drove Malcolm macHeth out of the earldom.

Creation of additional earldoms.

Each of the seven provinces of Scotland consisted, as we have seen, of two districts, and we find a Mormaer ruling over each: but when they appear in the reign of Alexander the First, under the name of Comes or Earl, we find the number reduced to six; and with the exception of the province consisting of

[39] 'Ingibiorg, the mother of the earls,' married Melkolf, king of Scotland, who was called Langhals. Their son was Dungad, king of Scotland, the father of William, who was a good man. His son was William the Noble, whom all the Scots wished to take for their king. —*Collect. de Reb. Alb.* 40, p. 346.

[40] Wyntoun, *Chron.* B. vii. c. vii.

the two districts of Mar and Buchan, each of which is represented by an earl, the other provinces appear with one of its two districts possessing an earl, and the other remaining unrepresented. It was these six earls, no doubt, who formed the party who attacked the king in Perth, and one feature of the new policy appears to have been to increase their number by appointing new earls to the vacant districts, who were feudally invested with their earldoms, and thus introducing a large feudal element into the old Celtic earldoms, while those which retained their original character would be gradually feudalised as opportunity offered. Malcolm had thus restored one of these vacant districts when he made Malcolm mac-Heth Earl of Ross; and when that earl was driven out by the inhabitants, he endeavoured to connect it still more closely with the Crown, by giving the earldom to Florence, Count of Holland, in marriage with his sister Ada in 1162, but this grant, too, did not practically take effect.[41] Two years after he added another in the district of Menteath, which, along with Stratherne, formed one of the old provinces of Scotland. 'Gillechrist, Comes de Menteth,' makes his first appearance as witness in a charter granted by King Malcolm to the canons of Scone in 1164; and in the same charter we have Gillebride Comes de Angus and Malcolm Comes appearing for the first time with the territorial designation of 'De Ethoel.'

The policy thus inaugurated by David the First as entering into his plan for transforming the old Celtic kingdom of the Scots into a feudal monarchy, and to some extent carried out by Malcolm the Fourth, was still more vigorously prosecuted by his successor William the Lion; and we find that during

[41] Memorandum quod Comes de Holand processit de sorore domini Regis Willelmi ut cognitum est per anticos regni Scotie quod totus comitatus de Ros, collatus fuit in maritagio cum predicta sorore domini Regis Willelmi et predictus comitatus elongatus fuit a predicto comite de Holand sine aliqua ratione et sine merito suo vel antecessorum suorum ut injuste sicut recognitum est.—Palgrave, *Documents and Records*, p. 20.

his reign he converted two of the old earldoms into feudal holdings, that a third had passed by gift and a fourth by succession into the hands of Norman barons, and that he added four new earldoms to the number.

Earldom of Mar.

We have seen that during the reign of Alexander the First and the early part of the reign of David, Ruadri or Rotheri, who had been Mormaer of Mar, appears witnessing the royal charters, with the personal title of Comes or Earl. He was followed, during the latter part of the reign of David and during that of his successor Malcolm IV., by Morgundus or Morgund, who also bears the personal title of Comes or Earl; but in the early part of the reign of William the Lion, when the territorial designations became more common, he is superseded by a certain Gilchrist, Earl of Mar, and Gilchrist, in his turn, makes way in 1171 for Morgund again. The explanation of this apparent contest for the position of earl is furnished us by the controversy which afterwards took place between the family of De Lundin, who were the king's hereditary *Hostiarii* or doorkeepers, and from that office took the name of Doorward or Durward. It appears from this controversy that Morgund was alleged to be illegitimate, and King William had probably taken advantage of this flaw in his title to break the succession of the old Celtic earls by recognising Gilchrist, the next lawful heir, as earl. This Gilchrist had married Orabilis, the daughter of Ness, son of William, one of the foreign settlers in Fife, and his daughter was the mother of Thomas de Lundin, the king's Hostiary or Doorward, and carried the claims of the lawful heirs into this family.[42] It is probable, however, that this illegitimacy,

[42] The principal act of Gilchrist's life was the foundation of the Priory of Monimusk, and Thomas, the Doorward, confirms the grant by his grandfather and his mother. His son Alan declares, in 1257, that Morgund and his son Duncan were illegitimate, and in 1291 the Earl of Mar complains that when William the Lion restored the Earldom to Morgund, 'deficiebant tres centum librate terre.'—*Ant. Ab. and Banff*, vol. iv. p. 151.

though possibly well founded according to the canon law, was not recognised as such by the Celtic customs, and an arrangement seems to have been come to by which Morgund agreed to receive from the king the investiture of the earldom as a feudal holding, while the claims of the rival party were satisfied by a large tract of land between the rivers Dee and Don, which was withdrawn from the earldom and became the property of the Durwards. There is preserved a deed by King William, in which he narrates that Morgund, son of Gillocher, formerly Earl of Mar, appeared before him in June 1171 and was invested with the earldom of Mar, in which his father had died vest and seized, and which was now granted to him and his heirs whatsoever.[43] It may perhaps be doubted whether this is an original deed; but there can be little doubt that it contains the record of a real transaction by which the earldom was converted into a purely feudal holding, which, like all such holdings created at this time, was descendible to heirs-female.

Earldoms of Garvyach and Levenach.

The policy followed by King William, with regard to these earldoms, was checked for a time by the unfortunate result of his attempt in 1174 to recover possession of the northern provinces of England, when he was taken prisoner, and only recovered his liberty by surrendering the independence of his kingdom; but soon after his liberation, when he returned to Scotland, he appears to have created two new earldoms, which he bestowed upon his brother David. The first was the earldom of Garvyach or Garrioch in Aberdeenshire, formed from the districts surrounding the ancient fortification of Dunideer, and extending between the river Don and its tributary the Ury. The second was the earldom of Levenach or Lennox, and consisted of the northern part of

[43] This deed has hitherto been known only by its being printed by Selden in his *Titles of Honour;* but the document from which he printed was found among his papers, and is now in the library at Lincoln's Inn. See Appendix No. IV. for an account of this charter.

the old Cumbrian kingdom, which appears to have received a Gaelic population, and is nearly represented by the county of Dumbarton.[44] These districts were probably at the time in the hands of the Crown. The earldom of Garvyach passed on David's death to his son John the Scot, after whose death it again reverted to the Crown, and was eventually granted as a lordship to the earls of Mar. The earldom of Levenach does not appear to have remained long in Earl David's possession, as we find it emerging in the possession of a line of Celtic earls, the first of whom, Aluin, must have received it as early as the year 1193. Earl David was invested with the English earldom of Huntingdon on the death of its then possessor, Simon de Senlis, in 1184 ; and it is probable that on that occasion he resigned the earldom of Lennox in favour of the head of its Gaelic population.[45]

Earldoms of Ross and Carrick.

In 1179 William the Lion brought the people of Ross under more complete subjection to the Crown, and built two royal castles within its bounds, but he appears to have retained the earldom in his own hands, as the Count of Holland complains that he had been deprived of it, although he had never been forfeited. His grievance was probably not a very substantial one, as it is very unlikely that he either had obtained or could obtain practical possession of it. Seven years after the king formed a second earldom out of the territory of the old Cumbrian kingdom, at its south-western extremity, where it bordered upon the Gaelic district of Galloway, and appears to have received a Gaelic population from thence. This was the district of Carrick, which he

[44] Fordun, *Chron.* (Annals, xxx.) vol. ii. p. 276.

[45] *Chart. of Paisley*, p. 167. The expressions used here imply that David held the earldom only for a time. The first mention of another earl of Lennox is in 1193, when Eth, son of the earl of Lennox, witnesses a charter in the *Liber de Melrose*, vol. i. p. 22, and that his name was Aluin appears from the *Chartulary of Glasgow*, vol. i. p. 86, where we find, between 1208 and 1214, a charter by Alewinus comes de Levenax filius et heres Alewini comitis de Levenax.

bestowed as an earldom upon Duncan, son of Gilbert, and grandson of Fergus, the Celtic Lord of Galloway.

Earldom of Caithness.

Ten years after this he took advantage of the slaughter of the bishop of Caithness by the Norwegian earl of Orkney and Caithness, to extend his power over that district likewise, and to reduce its earl to submission. Harald, the earl at this time, was not a very distant relation of the king by paternal descent, being the son of Madach, earl of Atholl, whose father was a brother of Malcolm the Third, but he inherited the earldom of Orkney to which Caithness at this time was attached, through his mother, Margaret, the daughter of a previous earl, of Norwegian descent, and he had married a daughter of Malcolm MacHeth, the so-called earl of Moray, and was thus associated with that family in their opposition to the Crown. The result of two separate invasions of Caithness by the royal army was, that Caithness, north of the great range called the Ord of Caithness, was eventually restored to Earl Harald, to be held by him on payment to the Crown of a large sum of money; while the district south of that range, which has the Norwegian name of Sudrland or Sutherland, was retained by the king, and bestowed upon Hugo, a scion of the house of De Moravia, as a lordship, and eventually made an earldom in the person of his son William. Before the death of William one of the old Celtic earldoms had passed by succession into the hands of a foreign baron, for William Cumyn, the head of the Norman house of that name, became possessed of the earldom of Buchan by his marriage with Marjory, daughter of Fergus, the last of the Celtic earls.

Seven Earls in the reign of Alexander the Second.

Alexander the Second, the successor of William, followed out the same policy, but during his reign, notwithstanding the increase in the number of the earldoms, and the feudalisation of some of the older ones, we find the seven earls of Scotland frequently making their appearance, apparently as a constitutional body whose privileges were recognised. They

first appear as taking an important part in the coronation of Alexander as king of Scotland, and then consisted of the earls of Fife, Stratherne, Atholl, Angus, Menteath, Buchan, and Lothian.[46] With the exception of Menteath, which was a more recent earldom, these are the same earldoms whose earls gave their consent to the foundation charter of Scone; but Menteath comes now in place of Mar, perhaps owing to the controversy as to the rightful possessor of the latter earldom, and Buchan was, as we have seen, now held by a Norman baron.

Another of these ancient earldoms, however, soon after terminated in the male line, and this raised a question which throws some light upon their character and relation to the law of feudal tenures. When Fergus, the last of the old Celtic earls of Buchan, died in the end of King William's reign, there seems to have been no doubt that the earldom devolved upon his daughter Marjory, which she carried to her husband, William Cumyn; but when Henry, the last of the old Earls of Atholl, died, soon after the accession of Alexander the Second, his heirs were two sisters, Isabella and Forflissa, and the question at once arose whether the earldom was partible between them, as was the case with any feudal barony, or whether it devolved in its entirety upon the elder sister, Isabella, who had married Thomas of Galloway, brother of Alan, Lord of Galloway. This question, and the decision of the *Curia regis* or royal court, consisting of the tenants in chief of the Crown, are incidentally mentioned when the same discussion took place before Edward the First between three of the competitors for the crown on the death of the Maid of Norway. These were John Baliol, who claimed as grandson of Margaret, the eldest daughter of David, earl of Huntingdon; Robert de Bruce, who claimed as son of his second daughter Isabella; and John de Hastings, as grandson of Ada, the youngest daughter. The competition

[46] Fordun, *Chron.* (Annals, XXIX.), p. 276.

for the crown came eventually to be between Baliol, who claimed as representing Earl David through his eldest daughter, and Bruce, who asserted that being his grandson he was one step nearer, and should be preferred to his great-grandson, notwithstanding that he was thus connected through the second daughter. John de Hastings, who, like Baliol, stood only in the relation of great-grandson, admitted the right of the latter to the throne, if the kingdom was maintained in its entirety, but asserted that being held under the English Crown, it was partible like any other feudal holding, and that he ought to be preferred to one-third of the territory of the kingdom; and Robert Bruce put in a further claim, that in the event of his right to the whole being rejected, he was likewise entitled to one-third. His argument was this—'The land of Scotland, albeit it is called a kingdom, ought to be partible, by reason that the event which has now happened to Scotland, seeing that it is held in fee of our lord the king of England by homage, is no other than similar to what it would have been as to an earldom or a barony of the realm of England which had descended in such case. And if an earldom or barony had descended to three daughters, with the issue of them, each would have her purpart, seeing that the three daughters represent but one heir of all the heritage of their father; so that no advantage ought to accrue unto the eldest, or unto the issue of her, except solely the name of the dignity, and especially of the chief messuage.'[47] The king of England referred this question to the eighty Scotch arbiters, who had been elected by the parties, who were asked to decide—'first, whether the kingdom of Scotland is partible; second, although it be that the kingdom is not partible, whether the lands acquired and the escheats are

[47] Willelmi Rishanger *Chronica et Annales*, Master of the Rolls Series, p. 344. The words 'de chef mes' are erroneously translated by the editor 'of chief of the house,' instead of 'chief messuage.'

partible or not. The third, whether the earldoms and the baronies of the kingdom are partible of right; and the fourth, seeing that the kingdom is not partible, in case the right to the kingdom falls to daughters, whether any consideration ought to be paid to the younger ones, by reason of the equality of right which descended to all, as though in acknowledgment of their right.' This discussion only bears upon our subject in so far as it affects the position in this respect of the old earldoms, and it is unnecessary to refer to the answers of the arbiters, except to the third and fourth questions. 'To the third they say that an earldom in the kingdom of Scotland is not partible; and this was found by judgment in the Court of the king of Scotland as to the earldom of Astheles, or Atholl; but as to baronies, they say that they are partible. To the fourth they say that as to a kingdom they never saw the like; but if an earldom falls to daughters in Scotland, the eldest takes it wholly. But if either of the other sisters has not been provided for, in the life of the father, it is proper that the eldest, who takes the inheritance, makes her a payment and assignment. And this is of grace, not of right.'[48]

They thus adopt the argument of Robert the Bruce as to baronies but not as to earldoms. It is, however, unlikely that the eighty arbiters, forty of whom were named by Baliol and forty by Bruce, should have been unanimous in rejecting the claim of the latter; and the qualification contained in the fourth answer has much the appearance of a compromise between two conflicting views, and like most compromises is inconsistent with the grounds upon which either must be based. In point of fact both views had a substance of truth in them. So far as the old Celtic earldoms of the kingdom were concerned, the arbiters pronounced a correct judgment, for such earldoms were rather official and personal than territorial dignities, and the territory of the earldom, which after-

[48] Rishanger, *Chronica*, pp. 355, 356, 357.

wards formed its demesne, was more of the nature of mensal land appropriated to the support of the dignity. The decision, founded on as having been given by the court of the king, that the earldom of Atholl was not partible, must have reference to that time when the last Celtic earl was represented by two co-heirs, and it appears to have been viewed as being governed by Celtic and not by feudal law. Hence the eldest sister, Isabella, was held to have right to the whole earldom.[49] Isabella married Thomas de Galloway, brother of Alan, Lord of Galloway, by whom she had a son, Patrick ; and after her first husband's death, in 1232, Alan de Lundin, the Hostiarius or Doorward, and one of the most powerful barons of the time, appears as earl of Atholl, from which we may infer that he had married the widow, and held the title during her life. Patrick, the young earl, was, on his accession, miserably burnt to death at Haddington in the year 1242, and then we are told the earldom passed to his aunt Forflissa, who had married David de Hastings, a Norman baron.[50]

While the succession to the earldom of Atholl thus shows the light in which the ancient Celtic earldoms were regarded,

[49] The decision is thus given in the arguments adduced by Baliol in support of the position that the kingdom was not partible. Printed by Palgrave (*Doc.*, p. 40), unfortunately the document is very imperfect, but it appears to place the old Celtic earldom in the same category with the offices of seneschals, marischals, constables, and foresters :—

'Ausi la Countee de Asheles demora a Isabele la einzne . . . . puisne n y aveit vivaunt Isabel l einzne soir e le isseue de li. E fet . . . . lavandit Isabel en pleyn Parlament devaunt le Rey Alexaundre fiz . . . . . son counseil q ele ne deveit ceo par . . . er por ceo qe Countee nest pas partable . . . . . qe plus . . . es ce . . . vynt . . . Escoce Seneschaucie Mareschaucie Conestablerie Foresterie . e . . . . einzne . . . al isseue . . . . . einznesce autres offices e baillies semblable qe sount de la coroune.'

[50] Pro dolor ! Patricius de Athedle filius Thomæ de Galwedia et comitis de Adthedle, juvenis egregius et quantum ad humanam oppinionem omni curiali sapientia et facescia imbutus, apud Hadingtone in hospitio suo de nocte postquam se sopori dedisset, per consilium quorundam malignancium nequiter perimitur, cum duobus sociis suis. . . . Post cujus tamen obitum, David de Hastinges accepit ejus comitatum provenientem sibi ex parte uxoris sue, que erat matertera juvenis occisi.—*Chron. Mel.*

and the position they occupied in the eye of the common law of the land, those which had been either feudalised or created by the districts being erected into earldoms by the Crown, were in no different position from an ordinary barony, and were regulated by the feudal law, which was correctly laid down by Bruce, the lands being partible between co-heirs, but the dignity and the chief messuage belonging to the eldest co-heir. Of the former we have an example in the earldom of Caithness, which had become feudalised after the war between William the Lion and Harald, who, though of Scottish descent, had inherited through a Norwegian mother. On the death of John, earl of Caithness, the last of this line, in 1231, the title of earl passed with only one half of the lands of the earldom to Magnus, a son of the earl of Angus, while we find the other half of the earldom in the possession of the family of De Moravia, and on the death of the last earl of the Angus line this half was again divided, and Malise, earl of Stratherne, became earl of Caithness, possessing, however, one-fourth only of the lands of the earldom.[51] In the same manner, when the earldom of Buchan, which had passed by marriage into the hands of the Norman family of Cumyn, was forfeited to the Crown, and the last earl was represented by two co-heirs, one-half of the lands of the earldom was given by King Robert Bruce to Sir John de Ross, son of the earl of Ross, who had married the younger daughter; and the other half, with the title of earl, was afterwards conferred upon Sir Alexander Stuart, second son of King Robert II.

Of the additional earldoms which had been created by the Crown and added to the older earldom, the earliest, that of Menteath, affords an example. This earldom, like that of Buchan, had passed by marriage into the hands of a Cumyn,

[51] The history of these ancient earldoms is very inaccurately given by the Peerage-writers, and none more so than that of the earldom of Caithness. These errors will be found corrected in Appendix No. v.

and Walter Cumyn is termed Earl of Menteath as early as the year 1255. On his death in 1257 his widow married John Russell, an unknown Englishman, and the nobles of Scotland, irritated at this, accused her of the murder of her former husband, and imprisoned both her and her second husband. Walter Stewart then claimed the earldom in right of his wife, and by the favour of the nobles obtained it. On the death of the first Countess her right passed to William Cumyn, who had married her daughter, and a controversy arose between him and Walter Stewart, which terminated in the title being confirmed to the latter, with one half of the earldom, while the other half was erected into a barony in favour of William Cumyn. The partition at a later period of the earldom of Lennox, another of these created earldoms, likewise affords an example.

Such being the distinction between the old Celtic earldoms represented by the seven earls and those subsequently constituted, we learn also from the discussions which took place in the competition for the crown somewhat of the rights which they claimed as their privilege; for among the documents still preserved connected with the competition is an appeal on behalf of the seven earls of the kingdom of Scotland to Edward I., in which it is stated that, 'according to the ancient laws and usage of the kingdom of Scotland, and from the time whereof the memory of man was not to the contrary, it appertained to the rights and liberties of the seven earls of Scotland and the "communitas" of the same realm, whenever the royal throne should become vacant *de facto et de jure*, to constitute the king, and to place him in such royal seat, and to confer upon him all the honours belonging to the government of the kingdom of Scotland.'[52] And this function we find them evidently performing at the coronation of Alexander the Second.

[52] Palgrave, *Documents*, pp. 14, 15.

Province of Argyll.

The only one of the seven provinces which was required to be brought into more direct connection with the Crown was the great district of *Arregaithel* or Argyll, and early in his reign Alexander annexed the northern part to the earldom of Ross, and placed that earldom in possession of a devoted adherent of his person. The district forming what was then called North Argyll consisted in a great measure of the territory of the old and powerful Celtic monastery of Apercrossan, and had passed into the hands of a family of hereditary lay abbots, who termed themselves *Sagarts* or priests of Applecross; and Ferquard Macintaggart, or the son of the *Sagart* or priest who had aided the young king in suppressing an insurrection of the Gaelic people of Moray and Ross in support of the pretensions of the MacWilliam and MacHeth families in the early part of his reign, was now created Earl of Ross, which thus became a feudal earldom held of the Crown, by a family who were among its most loyal supporters.[53] The insurrection which took place a few years after in favour of Gillespic mac Eochagan, also of the family of MacWilliam, led to the rest of this great district being subdued and brought into the same relation with the Crown. The king, we are told by Fordun, led an army into Argyll. The men of Argyll were frightened. Some gave hostages and a great deal of money, and were taken back in peace, while others, who had more offended against the king's will, forsook their estates and possessions and fled. But our lord the king bestowed both the land and the goods of these men upon his own followers 'at will'; or, as Wyntoun expresses it—

> 'And athe tuk off thare fewté
> Wyth thare serwys and thare homage,
> That off hym wald hald thare herytage;
> Bot the eshchetys off the lave
> To the lordys off that land he gave.'

[53] Vol. i. p. 483.

Those who fled appear to have taken refuge in Galloway, as we find Gilescop Macihacain witnessing a charter in Galloway with a cluster of Gaelic names along with him;[54] and as one of these names can be connected with the district of Lochaber, while the family of that Roderic who joined with him in his rebellion appear to have had their main possessions in the district of Garmoran, extending from Ardnamurchan to Glenelg, the main seat of the rebellion appears to have been that central portion of the great region of Argyll which was said to pertain to Moravia or Moray, of which these districts formed a part. The native lords of this district were apparently those whom the king dispossessed, and whose possessions he gave to his own followers, and accordingly we find Lochaber soon after in the possession of the Cumyns. In South Argyll, on the other hand, the native lords appear to have submitted to the king, as the family of Dubhgal, the eldest son of Somerled, the great Celtic Lord of Argyll, seem to have remained in possession of the extensive district of Lorn; and it is at this time that we may fairly place a grant which appears to have been made of the lands in the interior which afterwards formed the lordship of Lochow to Duncan Mac Duine, the ancestor of the Campbells, a clan the head of which appears in the following reign as a close adherent of the Crown.[55]

The seven earls of Scotland appear again as a body taking part in important transactions on two different occasions in this reign. In the first, which was the agreement between the kings of England and Scotland, by which a settlement of the claims of the latter was concluded in 1237, the seven earls among others became bound by oath to maintain the

[54] Vol. i. p. 486.

[55] See charter by David II., confirming in 1368 to Archibald Campbell, son of Colin, the lands of Craignish, Melfort, and others, with all the liberties thereof, as freely as Duncan Mac Duine, progenitor of the said Archibald Campbell, enjoyed the same in the barony of Lochaw, or other lands belonging to him.—*His. Com.*, 4 Report, p. 40. The first Campbell on record is Gillespic Campbell in 1266, and this Duncan was his grandfather.

agreement. These were the earls of Dunbar, of Stratherne, of Lennox, of Angus, of Mar, of Atholl, and of Ross; and here we find the earls of Lennox, of Mar, and of Ross, coming in place of those of Fife, Menteath, and Buchan; but when the agreement was renewed seven years afterwards, in 1244, the seven earls who became bound that King Alexander would observe good faith were, Patrick Earl of Dunbar, Malcolm Earl of Fife, Malise Earl of Stratherne, Walter Cumyn Earl of Menteath, William Earl of Mar, Alexander (younger) Earl of Buchan, and David de Hastings Earl of Atholl;[56] the Earls of Fife, Menteath, and Buchan again appearing among them, and those of Lennox, Angus, and Ross being omitted. We thus see that though the number of seven was always retained, the constituent members were not always the same, the latter being probably regulated by the respective positions of the earldom at the time, for in 1237 the earldom of Angus had passed by marriage into possession of one of the powerful family of Cumyn, but he had died in 1242, and the Countess of Angus had in 1243 replaced him with a Norman Baron, Gilbert de Umphraville, whom she took as her second husband.

Seven Earls in the reign of Alexander the Third.

In the elaborate and picturesque account which Fordun gives us of the coronation of Alexander the Third when a boy of eight years old, he does not give the seven earls, as a body, a part in the ceremonial, but simply says that the royal boy was accompanied by a number of earls, barons, and knights. The only earls he mentions by name are Walter Cumyn Earl of Menteath, Malcolm Earl of Fife, and Malise Earl of Stratherne; but it is probable that in a coronation in which the Celtic element loomed so largely, he did not intend to imply that this body did not play the same part which they did in the coronation of his father; and this we may reasonably infer, for he tells that in the second year of his

[56] Rymer's *Fœdera*, vol. i. p. 257.

reign a solemn ceremony took place at Dunfermline, when, in the presence of bishops and abbots, earls and barons, and other good men both clerics and laymen, the relics of Saint Margaret were enshrined at Dunfermline. The record of this transaction in the Chartulary of Dunfermline bears that it was done in presence of the seven bishops and seven earls of Scotland.[57] It is obvious, however, that this body of the seven earls were gradually losing their separate corporate existence, and were no longer able to maintain in this reign the functions they exercised in previous reigns; for when the succession to the throne was settled upon the daughter of Alexander in 1284, we find them merged in the general 'communitas,' or feudal community of the kingdom, in which the entire body of the earls, now amounting to thirteen, appear. They take a part, but apparently not an influential one, in the discussions that took place after the death of the Maid of Norway between the competitors for the crown; and probably the last attempt they made to repossess themselves of the important position they formerly occupied in the affairs of the kingdom was when in 1297 they, in conjunction with John Comyn of Badenoch, invaded England at the head of a powerful army which met in Annandale and besieged Carlisle. The seven earls engaged in this expedition were the earls of Buchan, Menteath, Stratherne, Lennox, Ross, Atholl, and Mar;[58] but the attempt resulted disastrously for them, for they were obliged to raise the siege and return to Scotland; and then again assembling at Roxburgh they made a second raid into the eastern part of England as far as the priory of Hexham, which they destroyed, and returned with a great

[57] Fordun, *Chron.*, ed. 1874, vol. ii. p. 289, and note p. 436.

[58] Quo tempore septem Comites Scotiae, viz. de Bowan, de Meneteth, de Stradeherne, de Lewenes, de Ros, de Athel, de Mar, ac Johannes filius Johannis Comyn de Badenau, collecto exercitu valido in valle Annandie, feria secunda Paschæ Angliam ingressi, vastabant omnia cæde et incendio, et non parcentes ætati vel sexui venientes Carleolum urbem, ipsam obsidione cinxerunt.—Willelmi Rishanger *Chronica*, p. 156.

booty to Scotland. They then besieged and took the castle of Dunbar, the earl of Dunbar having submitted to the king of England, but being besieged by the English in their turn the castle was taken, and three of the earls, viz., those of Menteath, Atholl, and Ross, were taken prisoners, with John Comyn and five other barons, with twenty-nine knights, two clerics, and eighty-three esquires, and confined in different castles in England.[59]

After this we hear no more of the seven earls of Scotland. As a constitutional body possessing, or claiming to possess, separate privileges, they are merged in the general 'Communitas regni,' or Estates of the kingdom, the feudal 'Curia regis' consisting of all who held lands in chief of the Crown. As we have seen, when the succession to the Crown was settled towards the end of the reign of Alexander the Third, they take no part as a separate body, but are merged in the general assembly of the feudal baronage of the kingdom, consisting of thirteen earls and twenty-four barons, and six years afterwards there is a still fuller representation of the Estates of the kingdom, when a letter is addressed to Edward the First by the Communitas regni urging him to arrange a marriage of his son with the Maid of Norway. The body from whom this letter proceeds consists of the two bishops of St. Andrews and Glasgow, John Cumyn, and James, High Steward, the guardians of the kingdom; ten diocesan bishops; twelve of the thirteen earls, the earl of Fife being then a minor; twenty-three abbots of monasteries, eleven priors, and forty-eight barons holding of the Crown.[60] Neither do they appear as a separate body in the great national protest addressed by the Communitas regni to the Pope in 1320, and signed on their behalf by eight of the earls and twenty-eight of the barons.[61]

[59] Willelmi Rishanger *Chronica*, pp. 159, 160.

[60] Rymer's *Fœdera*, ii. p. 471.

[61] *Chron. Picts and Scots*, p. 291.

State of the land in the reign of Alexander the Third.

The state, then, of the land, as thus exhibited to us in the reign of Alexander the Third, appears to have been this.—A large portion of the territory of the kingdom was now held in chief of the Crown by barons, very few of whom were of Celtic descent, on the feudal tenure of military service. Another portion of the territory formed the domain of the Crown. A third portion formed the territory possessed by the old earls of Scotland, and presented, in miniature, the same characteristics as the Crown land, being partly held of the earls by the vassals of the earldom, and partly forming his domain; and a very large extent of territory, probably not less than a third of the whole land, belonged to the Church, and formed the possessions either of the bishoprics, or of the great monasteries which had been founded by the kings of this dynasty, while the lands which had formed the territory of the old Celtic monasteries and had become secularised, now appear either in the possession of the Crown or of the monasteries under the name of 'abthaniæ' or abthainries.

In that part of Scotland which still retained, in the main, a Celtic population, we may expect to find the Celtic tenures still prevailing to a large extent, and still exhibiting many of their peculiar characteristics; but where the population had become in a large measure Teutonic, and where so much of the land was now held on feudal tenures by the great barons of the Crown, and by the Roman monastic orders, and where so many of the earldoms had passed by marriage into Norman families, it is more difficult to discover the traces of a Celtic occupation, and the peculiarities of the Celtic tenures under the feudal forms which shrouded them from observation. These we can only expect to find on that portion of land which formed the proper demesne of the Crown and of the old earls, and had been retained in their own possessions without the interposition of any feudal vassals between them and the actual occupiers of the soil.

The Crown demesne.

Of the mode in which the demesne land of the Crown was actually possessed, we have fortunately a very distinct account given to us by the old chronicler, John of Fordun. He refers it back to the period of Malcolm the Second, to whom nine spurious laws have been attributed, and supposes it to have originated with him; but this may be regarded as a mere theory, framed on the basis of the spurious history of Scotland, to account for a state of matters which existed in his own day, and we have only to separate the mythic part of his statement from what is obviously the result of his own observation. He tells us that 'histories relate the aforesaid Malcolm to have been so open-handed, or rather prodigal, that while, according to ancient custom, he held as his own property all the lands, districts, and provinces of the whole kingdom, he kept nothing thereof in his possession but the Moothill of the royal seat of Scone, where the kings, sitting in their royal robes on the throne, are wont to give out judgments, laws, and statutes to their subjects. Of old, indeed, the kings were accustomed to grant to their soldiers in feu-farm more or less of their own lands, a portion of any province, or a thanage; for at that time almost the whole kingdom was divided into thanages. Of these he granted to each one as much as he pleased, either on lease by the year as tillers of the ground, or for ten or twenty years, or in liferent, with remainder to one or two heirs, as free and kindly tenants, and to some likewise, though few, in perpetuity, as knights, thanes, and chiefs, not however so freely, but that each of them paid a certain annual feu-duty to their lord the king.'[62]

The first or mythic part of this statement corresponds with the spurious laws of Malcolm the Second, which thus commence—'1. King Malcolme gave and distributed all his lands of the realm of Scotland amongst his men; 2. and re-

[62] Fordun, *Chronicle*, vol. ii. p. 177.

served nathing in propertie to himselfe but the Royale dignitie and the Mute hill in the town of Scone,'[63] and may be disregarded as belonging to the spurious history of Scotland. Whether there ever was a time when it could be said that the king possessed nothing but the Moothill of Scone, and in what sense it could be said that the whole kingdom was divided into thanages, and that the whole lands of the kingdom once belonged to the Crown, is a question that must be determined in the course of this inquiry; but when the old chronicler tells us by what class of persons the Crown lands were actually possessed, and by what species of tenure they held them, he is dealing with matters which still existed in his own day, and the characteristics of which he had every means of ascertaining if they were not perfectly familiar to him, and he gives us a very distinct account of them. He discriminates between three classes of persons as possessing these lands. The lowest class were the *agricolæ* or husbandmen, the actual cultivators of the soil, who were regarded as yearly tenants, and are, no doubt, the same class with those who are termed *bondi* and *nativi* in feudal charters. They were, in the eastern districts, the remains of the old Celtic population. The class next above them consisted of the *liberi* and *generosi*, who held land either on lease for ten or twenty years, or in liferent renewable for one or two lives. The former were probably equivalent to the *liberi firmarii* or free farmers, and the latter to the Rentallers or kindly tenants of the feudal holdings. The third class, who held directly of the Crown, were either *milites* or knights, who held a knight's fee for military service, or *thani*, who held a thanage, or *principes* or magnates. And he defines a thanage to be a portion of the land of a province held *ad feodofirmam*,[64] or in feu-farm, the holder

[63] *Regiam Majestatem*, p. i.

[64] This word *feodofirma*, called feu-farm in Scotland and fee-farm in England, is usually understood as meaning what is inconsistently called a hereditary lease, but it was not so at least in Scotland. It was a grant of the *feodum* or fee of the

of which was subject in payment of an annual 'census' or feu-duty. By the *principes*, he probably refers either to the Mormaers or Earls of the old Celtic earldoms, or to the position of the great Celtic vassals in the western districts as chiefs of clans.[65] Fordun was himself connected with the northern counties of Kincardine and Aberdeen, where the older holdings of the thanage still maintained their position in the greatest degree even to his own day. He was a chaplain in the diocese of Aberdeen, and the Chartulary of that bishopric has preserved to us a rental of the Crown lands in the reign of Alexander the Third, which shows their extent and the nature of the holdings. In this rental we find the lands of Aberdeen, Belhelvy, Kintore, Fermartyn, Obyne, Glendowachy, Boyn, Munbre, and Natherdale, which are termed thanages; Convalt, which is termed a 'dominium' or lordship; Lydgat, Uchterless, and Rothymay, called baronies; and other lands which have no particular designation, with the towns of Aberdeen, Cullen, and Banff.[66] We also learn that the upper part of the vales of the rivers Dee and Don formed the domain of the earldom of Mar, which consisted of the districts of Braemar, Strathdee, Cromar, and Strathdon, while an extensive territory on the Dee, which had formerly belonged to the earldom, was held in the reign of Alexander the Third by one of his most powerful feudal vassals, Alan the Doorward, to whose father it had been given as a compensation for a claim he had to the earldom of Mar; but though we do not find any of the lands of this earldom bearing the name of thanages, this denomination was still retained in the demesne of two of the more westerly earldoms. In Atholl we have the thanages of Glentilt, Crannich, Achmore, Candknock, while the great abthanrie of Dull belonged

estate, and not merely of the usufruct, burdened with an annual payment of a *firma* or *census*, instead of military service.—See Fordun, vol. ii. p. 414 note.

[65] This subject will be more fully discussed in a subsequent chapter.

[66] *Chart. Aberdeen*, vol. i. p. 55.

to the Crown; and in Stratherne we find the thanages of Struin and Dunning held under the earls, and that of Forteviot with the abthanrie of Madderdyn or Madderty in the Crown.

While in the eastern districts we find the older holdings which survived from the Celtic period though disguised under a Saxon nomenclature, which owes its origin probably to the reigns of Edgar and Alexander the First, explained in language more appropriate to feudal holdings, when we pass over to the western districts which still possessed a Celtic population where the Saxon terminology has not penetrated, we come in contact at once with the realities of the Celtic tribal system which the adoption of feudal forms little affected, and whose customs are therefore less disguised by feudal forms, while the relation of the different classes to each other, though nominally feudal, are practically tribal. Although, when the great district of Argyll was annexed to the Crown and other insurrections among the Gaelic tribes were repressed, grants of land were, to some extent, given to Norman barons, with a view to the more effectual suppression of the unruly inhabitants, they conveyed little beyond a bare feudal superiority and introduced no foreign resident element, and thus hardly influenced the Celtic tribes who remained the actual holders of the soil; and when, by the cession of the Isles in the reign of Alexander the Third, the Norwegian dominion over them was transferred to Scotland, we find that the great Celtic lords of the Southern Isles, who had held them as kings under the Norwegian Crown, retained the same position under the Scottish king. At the great meeting of the Community of Scotland, which settled the succession of the Crown in 1283, we see the heads of three great families descended from Somerled—viz. Alexander de Ergadia, Angus, son of Dovenald, and Alan, son of Rotheric—appearing among them, the first being the powerful Lord of Lorn, and the

second the Lord of the Isles, while the third owned large territories both on the mainland and in the Isles.

District of Argyll divided into sheriff-doms.

One of the first acts of John Baliol, when his claim to the throne was preferred, was to assimilate the district of Argyll and the kingdom of the Isles to the system which prevailed in the rest of the kingdom, which was divided into sheriffdoms, in which the king was represented by the vicecomes or sheriff, and the Act of Parliament by which this was done will show how the land in these western regions was then held within eight years of the death of Alexander the Third.[67] By this Act, which was passed in 1292, the sheriffdom of Skye was to consist of the lands of the earls of Ross in North Argail, that is, the western part of the present county of Ross, the lands of Glenelg, the Crown lands of Skye and Lewis (here the principal lords were the Macleods of Harris and Lewis though they are not named), the lands of Garmoran, with the islands of Egg and Rume (this had been the chief seat of the Lords of the Isles descended from Roderic, son of Reginald), and the islands of Uist and Barra, where the MacNeills were the principal possessors. The sheriffship of Lorn was to consist of the lands of Ardnamurchan and Kinnelbathyn or Morvern; the lands of Alexander de Ergadia, Lord of Lorn; of John de Glenurchy, of Gilbert M'Naughton, of Malcolm MacIvor,

[67] Dominus Rex pro pace et stabilitate regni sui observandus statuit et ordinavit quod de terris subscriptis fient [vicecomitatus] videlicet. De terra comitis de Ros in Nort Argail, Terra de Glenc[elg] Terra Regis de Skey et Lodoux, octo davaux de terra [Garmoran] Egge et Rumme Guiste et Barrich cum minutis insulis et vocetur vicecomitatus de Skey.

De terris Kinnebathyn Ardemuirich Bothelve, Terra Alexandri de Argadia, Terra Johannis de Glenurwy, Terra Gilberti Mc[Nauchton] Terra Malcolmi M'Ivyr Terra Dugalli de Cragins Terra Johannis McGilcrist Terra Magistri Radulphi de Dunde, Terra Gileskel M'Lachl[an] Terra Comitis de Meneteth de Knapedal, Terra Anegus filii Dovenaldi Insularum et Terra Colini Cambel et vocetur vicecomitatus de [Lorn].

De terris de Kentyr cum omnibus tenentibus terras in eadem. Terra Lochmani McKilcolim McErewer Terra Enegus McErewer, Terra de . . . Insula de Boot, Terra Domini Thomæ Cambel, et Terra Dunkani Duf et vocetur vicecomitatus de Kentyr.—*Acta Parl.* vol. i. p. 447.

of Dugald of Craignish, of John, son of Gilchrist of Radulph of Dundee, who was a Scryngeour, whose ancestor had received a grant of Glassrie from Alexander the Second; of Gillespic M'Lachlan, of the earl of Menteath who had a right to Knapdale, of Anegus, son of Dovenald the Lord of the Isles, and of Colin Campbell, Lord of Lochow; and the sheriffdom of Kintyre was to consist, besides the possessors of the district of Kintyre, of the lands of the Lamonts, of Thomas Cambel, and of Dunkan Duff, in Cowall, and of the island of Bute.

CHAPTER III.

LEGENDARY ORIGINS.

The problem to be solved.

THE occupation of the lands which formed the territory of the kingdom of Scotland in the reign of Alexander the Third, the mutual relation of the different races by which it was held, the connection of the Celtic portion of the population with the soil, the tenure by which they possessed it, and the different classes in their social organisation which it discloses, present to us the problem which we have to solve, and we have now to trace the history of the early institutions from which its phenomena were derived, and the extent to which they have been affected by internal change or by external influence.

Early traditions.

But before entering upon this inquiry it may be well to see what legend or tradition tells us with regard to the Celtic portion of the population, with which we have now mainly to do. Such legends or traditions are either intended as a means of conveying some early facts in the history of the race in a popular form, or of clothing some truths in a symbolic dress, or they are merely the picturesque imaginations of their early sennachies or native historians. Those which relate to the Celtic population of Scotland are derived from two different sources. They are either Welsh or Irish, that is, they are the legends of either the Cymric or the Gaelic race, and in estimating their relative value it is necessary to take their probable origin and character into account. Some of them are

what may be termed ethnic legends. They are designed to perpetuate the popular conception of the origin and early settlements of the race, but they are the creation of a period when there had been some progress in the culture of the people, and when they possessed a rude literature derived in the main from the spread of Christianity and the establishment of Christian institutions among them. Their authors felt the necessity of connecting the early history of the country with the events of Biblical or Classical history, and it assumed the shape of a fictitious narrative which belongs to the mythic period of their annals. Others again may be called linguistic legends, and were rude attempts to account for peoples nominally distinct, and from pride of race regarding each other as independent races, possessing the same language and using a cognate form of speech. Others were what may be truly called historical legends, and handed down in a more or less modified shape events which we have reason to think actually took place; while others again were purely artificial, and were simply the rude and fastastic creations of the popular mind, which felt the necessity of filling up the dark period of the annals of their race with imaginary events calculated to gratify their national feeling and their natural love of the marvellous.

Ethnic legends.

The ethnic legends invariably connect the origin of the people with Biblical or Classical history, and assumes that some of the races which formed the oldest population of the country, and were really indigenous, had immigrated from some foreign land. We find it assuming two different shapes. In the one the different nations constituting the early population were separate colonies which proceeded from foreign countries and entered the land at different periods. Thus Bede tells us of the early population of Britain that it was first peopled by a colony of 'Brittones' who

came from Armorica; that then the Picts came from Scythia, and the nation of the Scots came from Ireland; and he places these successive colonies prior to the Roman invasion of Britain. The legendary history of Ireland presents the early history of its population in the same aspect. The account of the successive colonies which occupied Ireland is supposed to have been narrated to Saint Patrick by her earliest historian Fintan, who lived before the Flood, and remained alive during the whole of the centuries which elapsed till the introduction of Christianity. The Book of Ballimote contains a poem supposed to have been written by him. If he was a real personage, he may have been Fintan Munnu, a celebrated Irish saint who died on 25th October 634, but the poem is no doubt a later composition, and a translation is here inserted as giving in short compass these successive peoplings of the island, and as a good specimen of their early legends.

As the learned historian has related, namely Fintan:—

1.

'Should any one inquire of me about Eire,
I can tell most accurately
Respecting every invasion which took place
From the beginning of all pleasing life.

2.

'Ceasair set out from the East,
The woman who was daughter of Beatha,
Accompanied by fifty daughters,
As also by three men.

3.

'The deluge came on.
Bith resided at his mountain without secrecy,
Ladra at Ard Ladran,
And Ceasair at her corner.

4.

'As to me, I remained a year under the flood
At Tul Tinnde of strength.
There had not been slept, nor will there be slept,
A sleep better than that which I had.

5.

'I was then in Ireland;
Pleasant was my condition
When Partholon arrived
From the Grecian country in the East.

6.

'I was also in Ireland
While it was uninhabited,
Until the son of Agnoman arrived,
Neimead of pleasant manners.

7.

'Fir Bolg and Fir Gaillian
Arrived a long period afterwards.
The Fir Domnan then arrived,
And landed in Irrus westward.

8.

'After them the Tuatha De arrived
Concealed in their dark clouds
I ate my food with them,
Though at such a remote period.

9.

'Then came the sons of Milead
From Spain southward.
I lived and ate with them,
Though fierce were their battles.

10.

'A continuity of life
Still remained with me,
For in my time Christianity was here established
By the king of heaven of the clouds.'

The history of these successive colonies is elaborated with many details in the fictitious history of Ireland during the

mythic period, but it is unnecessary for our purpose to enter into these details except in so far as they bear upon the legendary history of the people of Scotland.[1]

Another form of the ethnic legend is one common to the early history of all countries during the mythic period. In it the race is personified in an *eponymus* who is the supposed ancestor and founder of it, and their supposed settlement in the country in which they are first found is prefigured in a marriage with a female whose name has an obvious relation to it, and thus an ethnic family is produced, the sons of which usually represent the territorial divisions of the country. This family has therefore a territorial as well as an ethnic meaning, and the filiation does not always imply affinity of race, but may indicate no more than the joint occupation of the country by the different tribes personified in the members of the ethnic family. We have an instance of this form of the legend in the well-known fable contained in Geoffrey of Monmouth's fabulous history, where Brutus, the *eponymus* of the Britons, appears as the first colonist in the island, and has three sons, Locrinus, Camber, and Albanactus, representing the Lloegry of England, the Cymry of Wales, and the people of Alban or Scotland, as well as in the older form of the legend, where Brutus and Albanus are brothers. In the Irish form Gathelus or *Gaidelglas*, the *eponymus* of the Gael, marries Scota the daughter of Pharaoh, by which the settlement of the Gael in Scotia or Ireland is prefigured, and his period is brought back so as to connect his history and that of his race with the Biblical narrative. His descendant Milesius, son of Bile, son of Breogan, is also said to have married Scota, daughter of Pharaoh, and actually settles the race in Ireland. We find, however, this feature of the legend,

[1] The account of these supposed colonies in all their subsequent elaboration will be found in the *Annals of the Four Masters*, and in Keating's *History of Ireland*, which contains a very accurate representation of the Irish legends in regard to them.

which represents the territorial divisions of the country by the sons of the supposed colonist, running through the whole of the first form of the legend. Thus Partholan, the first colonist after the flood, arrives with three sons, Rughruidhe, Slainge, and Laighlinne, and after their death he divides Ireland between four sons, Er, Orba, Fearann, and Feargna. The second colonist, Nemead, has a wife, Macha, from whom Ardmacha or Armagh takes its name, thus signifying the principal seat of the race; and he has three sons, Iarbheineoil, Fergus Leithdearg, and Starn, and Ireland is divided into three parts between Beothach son of Iarbheineoil, Briotan son of Fergus Leithdearg, and Simon son of Beoain son of Starn. The people of Nemead are then driven out of Ireland by the Fomoraigh or sea pirates, and depart in three bodies. One under Beothach goes to the north of Europe, another under Briotan to the north of Britain, and the third under Simon to Greece. The third colonists, the Firbolg, come from Greece under Dela, a descendant of Simon, and by him Ireland is divided into five districts between his five sons, Slainge, Gann, Seangan, Geannan, and Rughruidhe; and these were the five provinces of Ireland—Leinster, possessed by Slainge; Thomond and Desmond, the two divisions of Munster, by Gann and Seangan; Connaught by Geannan, and Ulster by Rughruidhe. Here we have a reproduction of two of the sons of Partholan in Slainge and Rughruidhe. We have again a threefold division of Ireland under the fourth colonists, the Tuatha De, supposed to be the descendants of Beothach, son of Iarbheineoil; and the three sons of Cearmadha Milbeoil their king—MacCuil, MacCeacht, and MacGreine—have three queens, Eire, Fodla, and Banba, which are simply the three oldest names in Ireland. Milesius too has three sons, Eber, Heremon, and Ir, of whom the former possessed the two Munsters, Heremon Leinster and Connaught, and Ir Ulster; and here again we find the same reproduction of

previous names, for Eber has the same four sons, Er, Orba, Fearann, and Feargna,[2] who are attributed to Partholan, and the descendants of Ir who occupied Ulster were termed the race of Rughruidhe from a descendant of that name. We also find that this filiation from the same parents does not imply identity of race, for the descendants of Ir, to whom the name of Rughruidhe especially belongs, and who peopled the north of Ireland, appear throughout the Irish Annals under the name of Cruithnigh, and were no other than the Picts who were settled in Ireland.

Linguistic legends.

The form which the linguistic legend usually assumes is that of a colony of soldiers obtaining wives from another people whose language they adopt, and perhaps the most curious specimen is that told of the Britons of Armorica by Nennius. He tells us that when Maximus, who was declared emperor in Britain, went over to Gaul to maintain his pretensions, he withdrew from Britain its military force, and, unwilling to send his soldiers back to their wives, children, and possessions in Britain, settled them in Armorica, where they became the Armorican Britons, and some MSS. have the following addition:—These Armorican Britons, having laid waste and depopulated the country, took the wives and daughters of the previous inhabitants in marriage, but cut out their tongues that their children might not learn their mother tongue. Hence they were called *Letewiccion* or half speech.[3] The meaning of this tale is, that identity of language is implied by the marriage of the leaders of one people with the wives and daughters of another, and a dialectic difference could only be accounted for by depriving the females

[2] These names have a meaning connected with land, and probably personify the different kinds of tenure by which the land was held. *Er* means noble; *Orba*, inheritance; *Fearann*, land in general; and *Feargna*, chieftainship.

[3] The word meant is *Lediaith*. In Welsh, identity of language was implied by *Cyfiaith*, dialectic difference by *Lediaith*, and difference of language by *Anghyviaith*.

of the power of speech. The story told by Bede that the Picts had no wives, and first asked them of the Britons and were refused, and then obtained them from the Scots, is likewise a legend, intended to account for that people, or at least the greater portion of them, speaking a Gaelic dialect; and in the same manner the oldest poem which narrates the settlement of the Milesian Scots in Ireland tells us that 'Cruithne, the son of Cinge, took their women from them;' and then after—

> There were no charming noble wives
> For their young men.
> Their women having been stolen, they made affinity
> With the Tuatha Dea.[4]

Here we have the same story of the Picts, as personified in their *eponymus* Cruithne taking their wives from the Milesians, and the latter replacing them by wives taken from the previous inhabitants of the Tuath De. The meaning is obviously linguistic, and such legends are intended simply to express a community of language between the supposed military colonies and the people from whom they obtained their wives.

Historical legends.

Some of these legends have, however, a historical basis, such as those which relate to supposed settlements of the race of the Scots in Britain. These contain an element of truth, in so far as temporary settlements of the Scots took place in Britain in the fourth century, when they first appear in history, and joined the Picts, Saxons, and Attacotti in assailing the Roman province in Britain; and still more when a permanent settlement of the Scots on the west coast north of the Firth of Clyde undoubtedly took place in the beginning of the sixth century, and the small Scottish kingdom of Dalriada was formed.

Artificial character of early Irish history.

Others of these legends, however, are undoubtedly purely artificial, and the entire legendary history of Ireland prior to

[4] *Chron. Picts and Scots*, pp. 47, 48.

the establishment of Christianity in the fifth century partakes largely of this character. It presents us with a minute detail of the colonies supposed to have preceded the settlement of the Scots, with the names and families of their leaders, the exact period, even to the day of the week, of their settlement, the duration of their occupation of the country, the succession of their kings, and the history of the extinction of the colony either by pestilence or expatriation. Then we have the reigns of 116 pagan kings of the Scots, who reigned during twenty-one centuries, given with an extraordinary minuteness and elaboration of detail, and the accompaniment of marvellous incidents, which betrays its legendary character. Ethnic and linguistic legends are of course interwoven in it, and it may contain fragments of history, such as the revolt of the *Attachtuatha* or servile classes against their lords, and the territorial changes in the divisions of the land and the location of the tribes which took place from time to time; but the marvellous character of the events continues to the establishment of Christianity, as we see in the narrative of the reigns of three last pagan kings, the first of whom, Niall, who reigned from 379 to 405, subjected all Britain and a great part of the Continent to his sway, and received hostages from nine kingdoms, whence he was called Niall of the nine Hostages; Dathy, who was killed by a flash of lightning at the foot of the Alps in the year 428; and Laogaire, who was slain by the elements between two mountains called Erin and Alban for refusing obedience to the mission of St. Patrick. The chronology of this legendary history, too, is entirely artificial, and though some parts of the narrative may have a historic basis, the dates assigned to them are as little to be trusted as the rest of the history itself. One of the tales contained in the Book of Ballimote, by which the knowledge of this wonderful history was supposed to have been preserved to historic times, will furnish a good example of what the imagination of its framers

was capable of producing, and it has an interest for us from the connection it had with the great apostle of Scotland, as that of Fintan had with the apostle of Ireland. We are there told that the entire colony of Partholon's people were destroyed by the plague, excepting one man, Tuan the son of Starn, the son of Seara, Partholon's brother's son, and God metamorphosed him into various forms, so that he lived from the time of Partholon to that of Columcille, to whom he related all the information, history, and conquests of Ireland that took place from Ceasair's time to that period, and then we have the following poem :—

1.

Tuan, son of Cairill, as we are told,
Was freed from sin by Jesus ;
One hundred years complete he lived,
He lived in blooming manhood.

2.

Three hundred years in the shape of a wild ox
He lived on the open extensive plains ;
Two hundred and five years he lived
In the shape of a wild boar.

3.

Three hundred years he was still in the flesh
In the shape of an old bird ;
One hundred delightful years he lived
In the shape of a salmon in the flood.

4.

A fisherman caught him in his net,
He brought it to the king's palace ;
When the bright salmon was there seen,
The queen immediately longed for it.

5.

It was forthwith dressed for her,
Which she alone ate entire ;
The beauteous queen became pregnant,
The issue of which was Tuan.

Cymric legends.

These legends, however, though it has been thought to indicate their real character and to inquire how far they may be supposed to embody ethnologic and linguistic facts or to contain an element of historic truth, in reality concern us only in so far as they tend to throw light upon the constituent elements of the Celtic population of Scotland and the corresponding territorial divisions of the land. So far as regards the early Celtic peoples south of the Firths of Forth and Clyde, we must turn in the first instance to the Cymric legends.[5] They tell us that this population may be referred to three races, the Brython, the Romani, and the Gwyddyl. Thus in a poem contained in the Book of Taliessin we find them thus alluded to :—

> Three races cruel from true disposition,
> Gwyddyl and Brython and Romani,
> Create discord and confusion ;

[5] In referring to the Cymric legends it is necessary to be careful as to the source from which they are derived. The literature of Wales has been unfortunately tainted to a large extent by spurious documents professing to be old, but in the main the creation of the eighteenth century, when a school of Welsh antiquaries existed, desirous of reproducing what they considered a sort of mystic Druidism supposed to have been handed down from pagan times by a successor of Baedi, and who were little scrupulous as to the means by which they promoted their object. Among the documents emerging from this school were the so-called Historical Triads, which the author rejects as spurious. A valuable and interesting work, the *Mabinogion*, by Lady Charlotte Guest, containing the ancient Welsh prose tales preserved in the Red Book of Hergest, unfortunately includes one of these spurious pieces, the Hanes Taliessin, among the genuine tales. The author announced in his *Four Ancient Books of Wales* that this tale, though included in those said to be taken from the Red Book of Hergest, is not to be found in that MS., and is certainly a manufacture of the last century ; while more spurious poems, attributed to Taliessin but not to be found in the Book of Taliessin, have been introduced into it, though not forming a part of it. He regrets to see that this spurious document is still included in the new edition of the *Mabinogion* among the tales said to be taken from the Red Book of Hergest, as if the imposture had never been detected. It shows how difficult it is to purge the early historical literature of any country of such spurious matter when once it has been accepted as genuine.

And about the boundary of Prydain, beautiful its towns,
There is a battle against chiefs above the mead vessels."[6]

Although the word *Gwyddyl* is in modern Welsh usually translated *Irish*, yet there can be no doubt that it was originally used in a much wider sense as the equivalent of the Irish word *Gaidheal*, and was applied to the whole Gaelic race wherever located. Of this there is ample evidence in the old Welsh poems. The Brython are, of course, the Brettones of Bede, or rather here that part of them which occupied the districts extending from the Derwent to the Clyde, and formed the ancient Cumbria. In the same poem they appear under their national name of Cymry, when it is said,

From Penryn Wleth to Loch Reon (that is, from Glasgow to Loch Ryan),
The Cymry are of one mind, bold heroes.

By the Romani, those leaders of the Britons are meant who were supposed to have derived their descent from the Roman military or civil commanders, as when Gildas tells us that the Britons 'took arms under Ambrosius Aurelianus as their leader, who was of the Roman nation, and whose parents had been adorned with the purple';[7] and Nennius, who calls him *Embres Guletic*, says that his father was a consul of the Roman nation.[8] We find also many of the great leaders of the Britons termed *Guledig*, the equivalent of the Latin Imperator, and usually expressed by the epithet Aurelius or Aurelianus; and to them no doubt the great national hero Arthur also belonged, who, according to Nennius, led the kings of the Britons against the Saxons as their Dux Bellorum,[9] and whose actions, so far as they are historical, belong to this part of Britain. Of the last two races, the Brython and the Romani, we have an account in an old document,

[6] *Four Ancient Books of Wales*, vol. i. p. 276.
[7] Gildas, *Hist.* c. 25.
[8] Nennius, *Hist.* c. 42.
[9] Nennius, c. 56.

'The Descent of the Men of the North.'[10] Here the Cymry, who occupied the northern districts, are said to be the descendants of Coel Hen, or the aged, whose name is preserved in the central district of Ayrshire, now termed Kyle, and of his son, Ceneu. Their descendants appear to have consisted principally of three tribes. They are thus noticed: 'Three hundred swords of the tribe of Kynvarch, and three hundred shields of Kynwydyon, and three hundred spears of the tribe of Coel. Whatever object they entered into deeply, that never failed.' The leader of the tribe of Cynvarch, whose grandfather, Gorust Ledlwm, was either son of Coel or of his son Ceneu, was the celebrated Urien Reged, whom Nennius mentions under the name of Urbgen as fighting against Roderic, son of Ida, the founder of the Anglic kingdom of Bernicia, and known in the Welsh poems by the name of Flamddwyn or the Flamebearer. This tribe appears to have occupied the districts lying between the Northern Wall and the Forth, to which the names of Reged and of Mureif were applied. The second tribe was that of Kynwydyon, whose grandfather Garthwys was grandson of Ceneu. The four sons of Kynwyt Kynwdyon are given as the leaders, two of whom are termed Clydrud Eiddyn and Cadrod Calchvynyd, from which we may infer that this tribe was located partly in the district extending from the Esk to the Avon, in which Duneyddyn or Edinburgh, and Caereiddyn or Caredin, are situated, and partly in the district of which Calchvynyd or Kelso was the chief seat. The latter were probably the people afterwards termed the Tevidalenses. The rest of the descendants of Coel were grouped under the name of Coeling, and extended from the Clyde to Loch Ryan, their principal territories being the districts of Carrawg, Coel, and Canawon, which, under the modern form of Carrick, Kyle, and Cuningham, form the county of Ayr.

[10] This document is printed with a translation in the *The Four Ancient Books of Wales*, vol. ii. p. 455.

After thus noticing the three tribes under which the supposed descendants of Coel were ranged, the descent of the Men of the North proceeds to give the pedigrees of those said to be of Roman descent. They are all deduced from Dyfnwal Hen, or the aged, who, in this document, is made the grandson of Macsen Guledig, or Maximus the Roman Emperor, but in the genealogies annexed to Nennius is said to be the grandson of Ceredig Guledig, whose ancestor Confer or Cynvor was the mythic father of Constantius, the father of the Emperor Constantine. These were obviously the Romani of the poem, and can be mainly traced in connection with the central districts of Annandale, Clydesdale, and Tweeddale. The principal race included among them was that of the provincial kings of Strathclyde, descended from Rydderch Hael, who is mentioned in Adamnan's *Life of Saint Columba* as reigning in Alclyde or Dumbarton, and whose history is so intimately connected with that of Kentigern, the great apostle of Strathclyde.[11]

To the race of the Gwyddyl or Gaidheal the old Welsh traditions undoubtedly attach the Ffichti or Picts, to whom they invariably give the name of Gwyddyl Ffichti.[12] They occupied the small district extending from the Pentland or

[11] See *Four Ancient Books of Wales*, vol. i. c. x., Cumbria, or the Men of the North, for a fuller account of these traditionary origins.

[12] The modern Welsh antiquaries in general regard the Picts as belonging to the Cymric race and speaking a Welsh dialect, but in this they run counter to their own early traditions, for both in their old poems and in prose documents there is a consensus as to their being a foreign race to the Cymry, and belonging to the people termed by them Gwyddyl.

In the poems they are usually termed Brithwyr and Peithwyr, but also Gwyddyl Ffichti; thus the early Pictish inhabitants of Bernicia are thus alluded to—

> Five chiefs then will be
> Of the Gwyddyl Ffichti,
> Of a sinner's disposition,
> Of the race of the knife.
> *Four Ancient Books of Wales*, vol. i. p. 432.

And in one poem the epithet of *Anghyfiaeth*, that is, speaking a language different from the Cymric, is clearly applied to them (*ib.* p. 433 and note). Thus in the Triads of Arthur, which are genuine, they are included in the three foreign races

Pictland Hills to the river Carron, which was known to the Welsh as Manau Guotodin or Gododin, and to the Irish as the Plain of Manann, from whence they are said by Nennius to have driven out the sons of Cunedda, from whom the kings of North Wales were descended. They also possessed the larger district of Galloway, from the mouth of the Nith to the Irish Sea. This district takes its name from the term applied by the Welsh to its inhabitants, of Galwydel, from which the Latin form of Galwethia was formed;[13] and we find the name of Scoti Picti, which is obviously a Latin rendering of the Welsh term Gwyddyl Ffichti, applied by the author of the *Descriptio Albaniæ*, who was certainly a Welshman, to the Picts, who, Bede tells us, formed the population of the western districts north of the Clyde, afterwards known by the name of Arregaithel, before the Scots formed their settlement of Dalriada there.

Legendary origin of transmarine tribes.

For the legendary origins of the tribes of transmarine Scotland, or the districts north of the Forth and Clyde, we must, however, mainly look to Irish sources, and we find them pervading nearly the whole of the mythic history of Ireland, and cropping up here and there in the course of its artificial chronology.

Alban, or Scotland, is first brought into connection with these legendary narratives of the primitive colonisation of

called 'Three oppressions came into this island, and did not go out of it.' The second is 'the oppression of the Gwyddyl Ffichti, and they did not again go out of it.' The third was the oppression of the Saxons (*ib.*, vol. ii. p. 465). In order to avoid the force of this, the term Gwyddyl Ffichti is usually translated Irish Picts, and supposed to refer to those in Ireland only; but the epithet Gwyddyl was certainly used in the larger sense of the race wherever found, and it is clear from all the passages that the same people are referred to who are known as the Picts of Britain. If they had been termed Cymry Ffichti, would this school of Welsh antiquarians have tolerated an assertion that they were not of the Cymric race?

[13] Angles and Galwydel,
Let them make their war.—
Four Ancient Books of Wales, vol. i. p. 284.

Erin, or Ireland, in the history of the second colony—that of the Nemedians, or sons of Neimead. After a great battle with the sea-robbers termed the Fomoraigh, they were defeated, and none escaped save the crew of one ship, consisting of thirty men under three chiefs, Simon Breac, son of Starn, son of Neimead; Iobaath, son of Beothuigh, son of Iarbhanieoil, son of Neimead; and Briotan Maol, son of Fergus Leithdearg, son of Neimead. They then resolve to leave Ireland, and taking seven years to prepare for this emigration, they fit out three fleets, under their three leaders. One fleet, under Simon Breac, goes to Thrace. A second, under Iobaath, to the north of Europe; and the third, under Briotan Maol, to Dobhar and Iardobhar in the north of Alban, where they dwelt with their posterity. Now from this third colony the oldest legendary accounts bring two of the West Highland clans. These are the Clan O'Duibhn, or Campbells, and the Clan Leod, or MacLeods.[14] The former clan first appear in the occupation of the central district of Dalriada encircling the lake of Lochaw, around which lay territories of the Dalriadic tribes of Lorn and Gabhran, and their oldest genealogies bring them from this Briotan, son of Fergus Leithdearg. The Clan Leod emerge, after the termination of the Norwegian kingdom of the Isles, in possession of Lewis, Harris, and the northern districts of Skye, and they are deduced from Laigh Laider, his brother, also a son of Fergus Leithdearg.

The Nemedians in Scotland.

After remaining in Greece two hundred and sixteen years, the followers of Simon Breac, the first of the three leaders of the sons of Neimead, return to Ireland in three tribes—the Firbolg, Fir Domnan, and Fir Gaileoin, under five brothers, who divide Ireland into five provinces. They are in their turn conquered by the Tuatha De Danan, the descendants of

The Firbolg and Tuath De Danan in Scotland.

[14] Nemedius, inter posteros ejus McCailin Moir agus MacLeoid.—MS. 1467. See also *Ulster Archæological Journal*, vol. ix. p. 319.

the second tribe of the Nemedians, who, after remaining a long time in the north of Europe, where they possessed four cities—Falias, Gorias, Finias, and Murias—pass over into the north of Alban, where they remain seven years in the same districts of Dobhar and Iardobhar, which had been colonised by Briotan Maol, bringing with them from Falias the Lia Fal, or celebrated Coronation Stone; from Gorias, the sword used by their leader; from Finias, his spear; and from Murias, the mystic caldron of the Dagda. After remaining seven years in Alban, they go to Ireland and conquer the Firbolg in the great battle of Magh Tuireadh; and the few Firbolg who escaped this battle fly to the Western Isles, and occupy Arran, Isla, Rachrain, and other islands, where they remained till they were driven out by the Cruithnigh or Picts, and returned to Ireland, when they were received by Cairbre Niadhfher, king of Leinster under the Milesian Scots. Then follows the legendary settlement of the Scots under the three sons of Milesius, Heber, Heremon, and Ir, and their cousin Lughadh, son of Ith, before whom the mythic race of the Tuatha De Danan gave way. The transactions between them form one of the most picturesque of these Irish legends, the details of which need not be given here;[15] but the Tuatha De Danan yield the plains of Erin to the Scots, retaining only the green mounds, known by the name of Sidh, and then

[15] They will be found in Lady Ferguson's excellent little work, *The Story of the Irish before the Conquest*, and in Mr. Standish O'Grady's interesting work just published, *The History of Ireland*, vol. i. *Heroic Period*. The interest of this latter work is, in the author's opinion, greatly detracted from by his having unfortunately adopted a practice, which cannot be too strongly deprecated, of spelling Irish proper names phonetically. There is nothing gained by it, as the form of the name has quite as barbarous an appearance as when the proper orthography is retained, the identity of the persons meant is lost, it is misleading as there is no uniform pronunciation of these names by those who speak the vernacular Gaelic, and the travesty of the Irish names is equally offensive to good taste and to sound judgment. In other respects this little work has great merits.

being made invisible by their enchantments, became the Fir Sidhe, or Fairies, of Ireland.

Pictish legends.

With the mythic settlement of the Milesian Scots in Ireland commence the legends of the settlements of the Cruithnigh or Picts in Scotland; and as Ireland was divided into five provinces between five brothers, sons of the leader of Firbolg, and afterwards by the sons of Milesius, so we find in the legend an early division of Alban into seven provinces between the seven sons of Cruithne, the 'eponymus' of the Pictish race. Five of these provinces can be identified. Fibh, the eldest of the seven brothers, represents Fife; Fodla, the third, *Athfhotla* or Atholl; Fortrenn, corresponds with the district between the Tay and the Forth, consisting of Stratherne and Menteath, and which, as at one time the seat of the monarchy, gave its name to the kingdom of the Picts; Caith, with Caithness; and Circinn, with that district which included *Maghghirghinn*, or the plains of Circinn, a name corrupted into Moerne or the Mearns. The remaining two, Fidach and Ce, though the names cannot now be identified, obviously represent the intermediate districts of Ross, Moray, Buchan, and Mar. Another form of the legend represents the Cruithnigh or Picts coming from Ireland in the time of the sons of Milesius, under Cruithnechan, son of Cinge, son of Lochit, to assist the Britons of Fortrenn to fight against the Saxons, and the Britons yielded their clans and their swordland to them, that is, *Cruithentuath*, and they took possession of the land. The same legend assumes the form, in connection with the Picts of Dalaradia in Ulster, from whence they came, of twice eighteen soldiers of the tribes of Thracia who accompanied the sons of Milesius to Ireland, and cleared a swordland among the Britons, consisting first of *Maghfortrenn* or the plains of Fortrenn, and then of *Maghghirghinn* or the plains of Cirginn, or as another edition has it of *Cruithentuath*.[16]

[16] *Chronicle of the Picts and Scots*, pp. 24, 45, 318, 322.

The Milesians in Scotland.

In the long line of mythic pagan monarchs sprung from the sons of Milesius, two come prominently forward as waging war in Scotland, and hence termed kings of Erinn and Alban, and under the second of these a settlement is said to have been made. The first of these imaginary monarchs is Aengus, of the line of Heremon, termed Ollmucadh, from *oll* great, and *mucadh* swine, because he is said to have possessed the largest swine in his time in Ireland. According to the Annals of the Four Masters he reigned in the year of the world 3773, or 1421 years before the birth of Christ. He is said to have fought fifty battles against the *Cruithentuath*, or Picts of Scotland, and the Firbolg; twelve battles against the Longbardai, and four battles against the Colaisti, whoever they may be.[17] The second was Reachtaidh Righdearg, or red-wristed, of the line of Heber, who is said in the same Annals to have reigned in the year of the world 4547, or 647 years before the birth of Christ. He led his forces to Alban under Forc and Iboth. 'They gained great battles, so that great districts were laid waste in Alban, until the men of Alban submitted to Reachtaidh Righdearg, so that he was king of Erinn and Alban, and it was from them sprang the two tribes Tuath Forc and Tuath Iboth in Alban.'[18]

These supposed settlements, however, become more frequent and distinct as we pass the birth of Christ and approach the historic period of this early Irish history. Between the Christian era and the fifth century, when Christianity was introduced into Ireland, and something like a true chronological history may be said to commence, two events come prominently forward in this mythic history. The first is the rising of the *Attachtuatha* or servile class of the population of Ireland, and their massacre of the nobles of Ireland. These *Attachtuatha* are said to have been the remains of the Firbolg

[17] *Annals of the Four Masters*, vol. i. p. 49.

[18] Genealach Corca Laidhe.—*Miscellany of the Celtic Society*, p. 10.

and other colonists who preceded the arrival of the Milesian Scots and formed a population of subject tribes under them, and they have been improperly identified by the Irish historians with the Attacotti of the Roman historians, who were a British nation and belonged to a later period. The story as given in the Leabhar Gabhala, or Book of Conquests, is this. —On the death of Crimthan Nianair, king of Ireland, of the race of Heremon, about ten years after the birth of Christ, the nobility of Ireland were massacred at a great feast at Magh Cro, where they were entertained by the Attachtuatha. They were all cut off except three queens who were pregnant, and went over the sea. One was Baine, daughter to the king of Alban, who gave birth to Feredach Finn Fechtnach, the son of Crimthan. The second was Cruife, daughter to the king of Britain, and mother of Corb Olum of Munster; and the third was Aine, daughter of the king of Saxony, who was mother of Tipraide Tireach, king of the Cruithnigh of Ulster. The Attachtuatha then set up Cairpre Caitcheann, or cat-headed, one of their own race, as king, who reigned five years over Ireland. He was succeeded by his son Morann, who was a just and learned man, and he resolved to recall the three legitimate heirs. Feradach Finn Fechtnach was elected king, and the Attachtuatha swore by heaven and earth, the sun, the moon, and all the elements, that they would be obedient to them and their descendants as long as the sea surrounded Ireland. Feradach was succeeded by Fiatach Finn, also of the line of Heremon, and he by Fiacha Finnfolaidh, son of Feradach, who, after a reign of seventeen years, was killed by the provincial kings, at the instigation of the Attachtuatha, at the slaughter of Maghbolg. And again we have a repetition of the same story. The only person who escaped was his wife Ethne, daughter of the king of Alban, who was pregnant of his son Tuathal. Elim, son of Conra, king of the Cruithnigh of Ulster, who had on this occasion joined the Attachtuatha,

then became king, and after a reign of twenty years was slain in the battle of Aichill by Tuathal, called Teachtmar or the acceptable, who came from Alban with a large force. Tuathal is said to have fought 133 battles against the Attachtuatha, whom he reduced to obedience in the various provinces. He altered the arrangement of the five provinces by uniting the two Munsters into one province, and formed a fifth province of Meath as mensal lands for the monarchy, by taking four portions from each of the other four provinces. Upon the portion taken from Munster he built Tlachtga, now called the Hill of Ward, and there the festival of the Fire of Tlachtga was held, and the Druids were wont to assemble On the portion taken from Connaught he established the chief seat at Uisneach, now Usnagh Hill, and there the great fair called the Convention of Uisneach was annually held in May. On the portion taken from Ulster he constructed Taillte, now Telltown, as the chief residence. It was here that alliances were made and contracts ratified, and the fair of Taillte was held. On the portion taken from Leinster the royal capital of Teamhar or Tara was established where the Feis Temrach was held every third year, the laws were ordained and published, and the Ardri or sovereign of Ireland was inaugurated. Tuathal is then said to have celebrated the Feis Temrach, at which the princes and chieftains of the kingdom assembled, who all swore by the sun and moon, and all the elements, visible and invisible, that they would never contest the sovereignty of Ireland with him or his race. Undoubtedly this formation of the province of Meath, with its four royal residences, survived to historic times, and has an unquestionable historic basis.

Another of its great landmarks is the contest which is supposed to have taken place in the second century between Conn Ced Cathach, or of the hundred battles, of the line of Heremon, and Eoghan Mor, called Modha Nuadhat, of the

line of Heber, and which led to a division of Ireland into two parts separated from each other by a ridge termed Eisgir Riada, leading from Dublin across the island to Galway, composed of a line of gravel hills which existed long after. The northern half was termed Leth Cuinn or Conn's half, and the southern Leth Mogha or Mogha's half. This division is mentioned by the old chronicler Tighernac as having been made in the year 165,[19] and is undoubtedly recognised by Bede when he distinguishes the northern province of the Scots from the nations of the Scots who dwell in the southern parts of Ireland.[20] Cormac, son of Art, and grandson of Conn, is said to have sent a fleet across Magh Rein, or the plain of the sea, in the year 240, so that it was on this occasion that he obtained the sovereignty of Alban.[21] He is said by Tighernac to have obtained the name Ulfata, or 'the people of Ulster at a distance,' because he banished the Pictish tribes of Ulster to Manann and Innsigall in the year 254.[22]

The race of Ith in Scotland.

These supposed settlements in Scotland during this mythic period were, however, not entirely confined to the kings of the lines of Heber and Heremon, sons of Milesius, but are also attributed to another line of kings descended from Lughaidh, son of Ith, who was father's brother of Milesius. We read in an ancient tract that 'these are the tribes of the Gael that are not of the sons of Miledh, nor of the Tuatha De Danann, nor of the Firbolg, nor yet of the Clann Neimhead, and that widely did this tribe spread throughout Erin and Alban. For it is boasted that Maccon obtained sway over the world, and it is certain that he conquered the west of Europe, without doubt that is Alban and France and Saxon land and the island

[19] *Ranta on Athcliath cochele ittir Cond. c. Cathach agus Mogh Nuadhad* cui nomen erat Eogan.—*Ad an.* 165.

[20] Bede, *Ec. Hist.*, lib. iii. cap. iii.

[21] *Annals of the Four Masters*, vol. i. p. 113.

[22] *Indarba Ullad a h-Erend a Manand la Cormac hui Cond. As de ba Cormac Ulfada dia ro cuir Ul. a fadh.*—*Ad an.* 254.

of Britain. And it is boasted concerning Daire Sirchreachtach that he obtained sway over all the west of Europe; and some of the learned say that he won the whole world. And it is stated that Fathadh Canann obtained the government of the whole world from the rising to the setting sun, and (if it be true) that he took hostages of the streams, the birds, and the languages.'[23] The first of these conquerors of the line of Ith, in point of time, was said to be this Daire Sirchreachtach. He had six sons, all called Lughaidh. The eldest was Lughaidh Laidhe. Another was Lughaidh Mal, 'who won the world from Breatain Leatha or Armorica to Lochlann or Scandinavia, and from Innsi Orc or the Orkneys to Spain.' The old tract called the Dinnseanchas, says of Carnn Mail in Ulster, 'Whence was it named? It is not difficult to tell. It was otherwise called Carnn Luighdheach, from Lughaidh Mal, who was driven from Erinn with a fleet of seven ships: and from Alban he set out for Erinn with the great fleet of Alban, and they give battle to the Ulster men and defeated them. Every man that came into battle with Lughaidh carried a stone, and thus the carn was formed, and it was on it Lughaidh was standing while the battle was fought;' and an old poem quoted in this tract says,

Lughaidh Mal, who destroyed much,
Was banished out of Erinn.
With a fleet of seven ships the king's son sailed
From Erinn to the land of Alban.
He fought for the eastern country
In battles, in conflicts,
From Eadain to the wide-spreading Lochlann,
From the islands of Orc to Spain.
When he obtained the powerful kingdom,
He brought with a numerous army,
So that the harbours of Uladh were filled,
With the barks of a fierce champion.[24]

[23] Genealach Corca Laidhe.—*Misc. Celtic Soc.*, pp. 4, 5. [24] *Ib.* p. 67.

Lughaidh Laidhe, the eldest son of Daire Sirchreachtach, was also called *Macniadh*, or son of the champion, and had a son Lughaidh, called *Maccon*, or the son of the dog. He is said by the Four Masters to have reigned in Ireland from the year 196 to 225. His sons were said to be the three Fothadhs —Fothadh Airctheach, Fothadh Cairptheach, and Fothadh Canann. The first is said to have been king of Ireland for one year in 289, and to have slain his brother; and of the third, Fothadh Canann, we are told that he obtained the government of the whole world from the rising to the setting sun, and took hostages of the streams, the birds, and the languages, and that from him descended the tribe of Mac Cailin, or the Campbells, in Scotland.[25] These three brothers are by other books stated to be of the race of the Ui Eachadh of Uladh or Ulster, that is, of Pictish descent.

The race of Colla in Scotland.

In the fourth century before Christ the three Collas play a great part in the mythic history of Ireland, and are likewise connected with a supposed settlement in Scotland. Cormac, the son of Aet, and grandson of Conn of the hundred battles, whom we have already adverted to, has a son, Cairbre Liffechair, so called from the river Liffey near which he was nursed, who likewise becomes *Ardri* of Erinn. He has two sons, Fiacha Sraibtaine and Eochaidh Doimlein. The former marries Aeifi, daughter of the king of the Gallgael, and was the father of Muredach Tirech, from whom the subsequent kings of Ireland of the race of Niall derived their descent. The latter marries Oilich, daughter of the king of Alban, called by some Vadoig, by others Uigari, and has three sons, Caerill, Muredach, and Aedh. These take the name of Colla, and are called respectively Colla Meann, Colla da Crioch, and Colla Uais. These Collas slay their uncle Fiacha, and Colla Uais becomes king of Ireland, but is driven from thence with his brothers in 326 by Muredach

[25] *Ibid.* p. 5.

Tirech, and takes refuge with his paternal grandfather the king of Alban, from whom he receives *Buannacht* or military maintenance. Three hundred warriors were his host. After remaining three years in Alban the three brothers return to Erinn, each with a following of nine warriors, and having been reconciled with Muredach Tirech, who tells them they ought to conquer some territory as an inheritance, they are joined by seven 'catha' or battalions of the Firbolg of Connaught, and with their assistance attack the king of Ulster, march to the Carn of Achadhleithderg, from whence they fought seven battles, one on each day of the week, and on the last slay the king of Ulster, plunder and burn his capital, of Emania, and acquire a large territory as their swordland, which was termed Oirgialla, and was possessed by their descendants. This is the story of the three Collas, and in this manner the great Pictish kingdom, of which Emania was the capital, was supposed to come to an end in the year 331, and the Cruithnigh of Ulster confined to the district of Dalaradia on the east coast of Ulster. From Colla Uais the Sennachies both of Erinn and Alban deduced the descent of Somerled, who became the Regulus of Arregaidhel and of half of the Western Isles, and from whom sprang the potent clan of the MacDougalls, Lords of Lorne, and the MacDonalds, Lords of the Isles.[26]

The last three pagan kings of Ireland in Scotland.

The long line of mythic pagan kings of Ireland terminates with a group of three monarchs who succeeded each other, and are each said to have made extensive conquests beyond the bounds of their island kingdom. The first of these is Crimthan Mor mac Fidhaig, of the line of Heber, who reigned from 366 to 378, and is said to have extended his sway over Alban, Britain, and Gaul. Of him one of the oldest of the Irish documents, Cormac's Glossary, says, under the word Mugeime, 'that is the name of the first lapdog that was in

[26] See *Annals of the Four Masters*, under dates, and Keating's *History of Ireland*. Tighernac under 322, 326, 332.

Ireland. Cairbre Musc, son of Conaire, brought it from the east from Britain, for when great was the power of the Gael on Britain, they divided Alban between them into districts, and each knew the residence of his friend, and not less did the Gael dwell on the east side of the sea, as in Scotia or Ireland, and their habitations and royal forts were built there. Hence is called *Duin Tradui*, or the triple-fossed fort of Crimthan Mor, son of Fidach, king of Erinn and Alban to the Ictian Sea.'[27] His successor was Niall Mor, or the great, who reigned from 378 to 405. He also extended his conquests over Alban, Britain, and Gaul, and was slain at the mouth of the Loire on the shore of the Ictian Sea. He was termed Niall naoighialla, or 'of the nine hostages,' as he received hostages from nine nations which he had subjected to his rule. The last of these great conquerors was Dathi, who reigned from 405 to 428. He, too, extended his conquests over Alban, Britain, and Gaul, and was killed by a flash of lightning at *Sliabh Ealpa*, or the foot of the Alps.[28] He is said, in another document, to have been king of Erinn, Alban, Britain, and as far as the mountains of the Alps, where he went to revenge the death of his predecessor Niall, and was said by some to have been slain by the same arrow which killed the latter. His body was brought back to Erinn by his son, who gained nine battles by sea and ten by land by means of it, for when they exhibited the body they crushed their foes. Dathi is said to have fought many battles in Alban, viz., the battle of Magh Circain and the battle of Srath.[29] A tale called 'The Expedition of Dathi to the Sliabh n-Ealpa' gives the following account of his invasion of Scotland:—'He invites all the provincial kings and chiefs of Erinn to a great feast at Tara, and there decides upon making an expedition into Alban, Britain, and Gaul, following the foot-

[27] Cormac's Glossary, edited for the Irish Arch. Society by Mr. Whitley Stokes, p. 111.

[28] *Annals of the Four Masters.*

[29] *Tribes and Customs of Hy Fiachrach*, p. 19.

steps of his predecessors Crimthan Mor and Niall. His fleet assembles at *Oirear Caoin*, probably Donaghadee, where he embarks with his troops and sets sail for Alban. Immediately upon his landing Dathi sends his Druid to Feredach Finn, king of Alban, who was then at his palace of 'Tuirrin brighe na Righ,' calling on him for submission and tribute, or an immediate reason to the contrary on the field of battle. The king of Alban refused either submission or tribute, and accepted the challenge of battle, but required a few days to prepare for so unexpected an event. The time for battle at last arrived; both armies marched on Magh an Chairthé (the plain of the pillar stone) in Glenfeadha, Dathi at the head of his Gael, and Feredach leading a large force composed of Scots, Picts, Britons, Gauls, Northmen, and Gallgaidheal. A fierce and destructive fight ensued between the two parties, in which the forces of Alban were at length overthrown and routed with great slaughter. When the king of Alban saw the death of his son and the discomfiture of his army, he threw himself headlong on the ranks of his enemies, dealing death and destruction around him, but in the height of his fury he was laid hold of by Conall Gulban, a son of Niall naoighialla, who, taking him up in his arms, hurled him against the pillar stone and dashed out his brains. The scene of this battle has ever since been called *Gort an Chairthé* (the field of the pillar stone), and the Glen *Glenn an Chatha* or the battle glen. 'Dathi set up a surviving son of the late king on the throne of Alban, and receiving hostages and submission from him, passed onwards into Britain and Gaul, in both of which countries he still received hostages and submissions wherever he proceeded on his march.'[30]

Another of the legendary settlements in Alban is connected with the same Feredach Finn, king of the Cruithnigh of Alban, and may be placed about the same time. The story

[30] From the Book of Leinster. The substance is given in O'Curry's *Lectures on the MS. Materials*, p. 287.

is this:—'Daol, the daughter of Fiachra, king of Musgry, was the wife of Lughaidh, son of Oillill Flannbeg, king of Munster. She became enamoured of her stepson Corc, son of Lughaidh by a former wife, and on his refusal follows the example of Potiphar's wife with Joseph, when Corc is banished by his father. He goes to Feredach, king of Alban, from whom he received great honours and his daughter in marriage, by whom he had two sons, Cairbre Cruithnecan and Maine Leamhna. The mother's name was Leamhan Mongfionn, and these sons were settled in their mother's patrimony. Cairbre Cruithnecan fixed on *Maghghirghinn*, or the plain of Circinn, and from him descended Ængus Eamhan, king of Alban. Maine fixed on *Maghleamhna*, or the plain of Leamhan, and from him are the Luimnigh Albain or people of the Levenach or Lennox. The river Leamhan or Leven took its name from Leamhan, daughter of Feredach Finn, who was drowned in it, and an old poem has been preserved by Muredach Albanach, several of whose compositions have been preserved in the Book of the Dean of Lismore, and who appears to have lived between 1180 and 1220.[31] It was written in the time of Aluin og, Mormaer of Leamhain, or Lord of Lennox, who, there can be little doubt, was the same person with Alwyn, first Earl of Lennox, who was his contemporary. It is addressed to the river Leamhan or Leven, and refers to the same legend. The poem is so curious that it may be given at length.

Muredach Albanach sang thus:—

Noble thy spouse, O Leamhan!
Alun oge, the son of Muireadhach,
His waving hair without blackness,
Descendant of Lughaidh of Liathmhuine.

Good thy luck in white-skinned spouses,
Since the time thou didst love thy first spouse,
For the son of the king of Bealach it was ordained
That Leamhain should be his spouse.

[31] Dean of Lismore's Book, p. 157.

Gearr-Abhann was thy name of old,
In the reign of the kings,
Until Corc of Munster came over the sea
With waving hair above his eyes.

When came Fearadhach Fionn,
Son of the king of Alban of the Carpets of Gold,
When he made with Corc alliance.
Upon coming into his lordship

Fearadhach gave—to me it seems well—
His daughter to fair-haired Corc.
Full of his renown is Tara of Meath,
Leamhain was the name of the daughter.

A queenly birth brought forth Leamhan,
Maine, son of Corc of the long hair.
She cherished in her bosom the bird
For Corc of Cashel of the hounds.

One day that Leamhain was
(The mother of Maine of the slender fingers)
With fifty maidens of white soles,
Swimming in the river's mouth,

She is drowned in the bosom of the port.
Leamhain, the daughter of Fearadhach,
Thou art named Leamhain after that,
A remembrance not bad to be related.

Seldom was the tramp of a Gall battalion
Upon thy green borders, O river!
Oftener with thee, O Leamhain!
The son of a hind above thy Innbhears.

There has grown up to thee Alun oge,
Son of Mureadhach of the smooth roads,
Splendid the colour of his pure fresh hands,
A scion of the wood of the first Aluin.

Not alone drinking ale
Is Alun oge, descendant of Oilleall.
The branch of the race of Alun sits
With an hundred to drink from the same gallon.

Though there should be but one tun of wine
To the race of Corc of the comely kings,
Not happy the fair-headed son of Corc
Should he save the wine from death.

The Mormaer of Leamhan of the smooth cheek,
The worthy son of Ailin's daughter,
His white hand, his side, his foot;
Noble is thy spouse, O Leamhan![32]

Such, then, being the record of these supposed conquests of Alban and settlements in the country presented to us in the early history of Ireland, their general effect upon the Gaelic population of Scotland is thus given in another ancient document preserved to us by the Sennachie McFirbis:—

'The Clan Domnall, Clann Ragnall, Clann Alasdair, Clann Tsithig (Sheehy), Clann Eachan, Clann Eadhain, Clann Dubhghal, and Clann Ragnall mic Domnall Ghlais, are of the race of Eremon.

'MacGille-Eoin or MacGille a Ea-in (MacLean), the two MacLeods (Harris and Lewis), MacConnigh (Mackenzie), Mac a Toisigh (Macintosh), Murmor Hundon (Mormaer of Moray?), are of the race of Conaire.

'Murmor Abhaill (Mormaer of Atholl), Murmor Mair (Mormaer of Mar), Murmor Gall (Mormaer of Galloway), MacCenedig (Kennedys), Muirgeach og, Lord of Granta (Grants), MacGregan (MacGregor?), are also of the race of Eremon.'[33]

The first group here given evidently belongs to the supposed settlement by Colla Uais of the race of Heremon, and consists of the great clans of the MacDonalds and MacDougalls, and their branches, descended from Somerled, the great Lord of Argyll, whose traditionary pedigree is deduced from Colla. The second as certainly comprises those supposed to be descended from the six sons of Erc, whose pedigree is deduced from Conaire, a king of Ireland;[34] but among them are included

[32] This poem is preserved in McFirbis' *Book of Genealogies*, p. 410, where the prose tales will also be found. The original of the poem is printed in the Appendix No. VI.

[33] McFirbis, in his Genealogical MS., says—'This account I found among the Books of Fardorough McFirbis, who was a sennachaidhe well acquainted in Alban and much frequented it.' He lived about 1560.

[34] Fergus filius Eric ipse fuit primus qui de semine Chonare suscepit regnum Alban.—*Chron. Picts and Scots*, p. 130.

the MacLeods, whose legendary origin, as we have seen, belongs to an older race. The third, said to be also descended from the race of Eremon, seems to be composed of those who could not be included in either of the two former groups, and likewise presents inconsistencies. The Mormaers of Athol were of the royal family, and afterwards Stewarts, and under the title of the Mormaer of Mair, and of Muirgeach og, by whom the earls of Lennox descended from Aluin og, son of Muredach, seem meant the race deduced from Corc, king of Munster, who was of the line of Heber, are here included among the descendants of the line of Heremon.

How far have these legends a historic basis?

The turning-point in the chronology of the early history of Ireland may with some reason be fixed at the battle of Ocha, which was fought in the year 478, and placed the first Christian monarch on the throne of Ireland. It obviously separates the artificially-constructed history of the pagan period which makes so large a demand upon the assent of the historian from that succession of events which corresponds with all the historic dates we possess, and commends itself readily enough to our belief. With the change produced by that event all that is fantastic, improbable, and artificial ceases, and the incidents recorded are more natural and in better accordance with what we should expect to find. In the oldest records of Irish history it appears as a great era from which the dates of its events were reckoned, and is connected as such with another settlement of Scots in Alban. We are told by the synchronist Flann Mainistrech that twenty years elapsed from the battle of Ocha till the children of Erc, son of Echach Muinremhair, passed over into Alban, viz., the six sons of Erc, the two Anguses, the two Loarns, and the two Ferguses.[35]

The question then at once arises, To what extent have these legends a historic basis, and how far may we accept

[35] *Chron. Picts and Scots*, p. 18.

them as true elements in the history of the population of Scotland?

This question we may at once answer in so far as regards the last settlement in the series which we have extracted from that history. The passing over of the sons of Erc into Alban twenty years after the battle of Ocha is undoubtedly a true event. It was the foundation of the small Scottish kingdom of Dalriada on the west coast north of the Firth of Clyde by a colony of Scots, which took place in the year 498, and the death of its first king, Fergus mor mac Erce, is recorded by Tighernac in the year 501. The annals of this little kingdom may now be considered as well ascertained. But can we attribute the same certainty to the conquests supposed to have been made prior to the battle of Ocha? These present several features calculated to lead us to a different conclusion. On looking over the entire succession of those supposed conquests and settlements in Alban, we can hardly fail to recognise the same legends repeated at different times and cropping up in different forms. Thus the supposed conquests of the race of Lughadh, son of Ith, who were a different race from the Milesian Scots, and the settlement of Fothadh Canann, from which sprang the Clann Mhic Cailin or Campbells, seems merely a repetition of the much older settlement of the sons of Neimhead in the districts of Dobhar and Iardobhar in Alban, who were likewise a different race from the Milesian Scots, and from whom also sprang the Clann Mhic Cailin or Campbells; and when the Fothadhs appear not as of the race of Ith but as of the race of the Ui Eachach of Ulster, that is, Irial Glunmhar, son of Conall Cearnach, who had two sons, Forc and Iboth, they become Cruithnigh, and their settlement the same as that of the two tribes Tuath Forc and Tuath Iboth; and this again connects them with the supposed conquest by the mythic king Rechtgidh Righdearg, who in another document appears as Fothadh Righdearg. In the

name Forc we can recognise the old name of the river Forth, which again connects them with the district between the Tay and the Forth, which appears to have been intended by the Dobhar and Iardobhar; but this is the same district which was called by the Picts Fortrenn, and to which, according to the Pictish legend, Cruithnechan, the son of Lochit, son of Cinge, came with his Picts to help the Britons of Fortrenn, and superseded them there; and this again corresponds with the statement that the descendants of Braodn, son of Fergus Leithdearg, who had occupied Dobhar and Iardobhar with his Nemedians, were driven out by the Cruithnigh. And when we are told that Cruithnechan settled his Picts in Magh Fortrenn and Maghghirghinn, we surely have the same legend repeated in the supposed settlement of the sons of Corc, king of Munster, when Cairpre Cruithnechan and Maine Leamhna settle in Maghghirghinn and Maghleamhna. We can see that under these legends there simply lies an attempt to express in these stories the popular conception of the ethnic relations of local tribes. While in these tales the true localities which form the scene of them are veiled under fictitious names which it is difficult to identify, there are others where the apparent distinctness and accuracy with which the localities are given cast an air of verisimilitude over the narrative, and lead to the supposition that there must have been some historic foundation for them; but in these cases it will generally be found that they are real historic events, which belong to the historic period, but have been transported to the imaginary realm of mythic narrative by some process arising from some fancied resemblance in the names of the actors. The most striking instance of this is in the tale of the conquests in Alban by the Dathi, the second last of the pagan monarchs of Ireland. The scene is laid in Maghghirghinn, but this name we know is the original form of the name corrupted into Mearns, and belongs to a district now represented by

Kincardineshire, but which formerly appears to have included part of Forfarshire south of it and Mar on the north. Here he fought the battles of Srath and Maghghirghinn, and the other names mentioned in the story can also be identified.

Tuirrin, the palace of the Pictish king Feredach Finn, is no doubt the hill of Turin in the parish of Rescobie in Forfarshire, about 600 feet high, on the top of which, according to the writer in the old Statistical Account, 'there has evidently been anciently a stronghold or place of defence, consisting of various extensive contiguous buildings, with a circular citadel of about forty yards in diameter. The situation has been well chosen, being secured by an impregnable rock in front, much like the face of Salisbury Crags, and of difficult access all around. It is now called Kemp or Camp Castle.'[36] Glenfeadha finds its modern representative in Fithie in the adjoining parish of Farnell, where too we find Gort an Chairthé corrupted into Carcary. This battle seems, however, to have been an historic event, and to have really taken place in the eighth century, for the old chronicler Tighernac records, in the year 752, the battle of Strath, in the land of Circinn or Maghghirghinn, between the Pictones, in which Bruidhi, son of Maelchon, was slain.[37] There, by an anachronism which it is difficult to explain, the well-known Bruidhe mac Maelchon, who died 200 years before, takes the place of Feredach Finn. This battle really took place in the reign of the great Pictish king Angus, son of Fergus; but we find in 763, eleven years after this battle was fought, the Pictish throne occupied by Cinadon, son of Feredach, and, at the same time, the prince who ruled over Dalriada, after its conquest by the Pictish monarch, is Muredach ua Dathi, or grandson of Dathi. The same battle appears a century later in Hector Boece's fictitious narrative, where the

[36] *Stat. Acc.* (1791-99), vol. xiv. p. 602.

[37] Cath a sreith in terra Circin inter Pictones invicem in quo cecidit Bruidhi mac Mailchon.—*Tigh. Chron. Picts and Scots*, p. 76.

Scots under their king Alpin defeat and slay on the same spot Feredach, king of the Picts.

When we see these Irish monarchs, however, not only conquering Alban and making settlements there, but extending their conquests over Britain and Gaul, and carrying their arms even to the foot of the Alps, it is difficult to avoid the suspicion that we have here localised as Irish kings some of the Roman emperors connected with the Roman province in Britain, and some of their acts transferred to Ireland, and that this is the true source of many of these fabulous events, so far as there is any foundation for them at all. Thus we find a parallel to the revolt of the Attachtuatha, or servile tribes of Ireland, against the Milesian kings, which was finally suppressed by Tuathal Teachtmhar, in the insurrection of the serf population of Gaul, called the Bagaudæ in the reign of the emperor Diocletian, which was suppressed by his colleague Herculius Maximian. Cairbre Cinncait, who was enabled to seize the throne of Ireland as their leader, and reigned five years, has his counterpart in Carausius, who, by the help of these Bagaudæ, revolted against Maximian, and ruled for seven years in Britain as an independent emperor. Conn of the hundred battles, under whom Ireland became divided into two provinces, may be a shadow of Constantine the Great, in whose time the provinces of Britain were divided; and in Niall of the Nine Hostages, and Dathi the fighter of so many battles, who carried their arms to the foot of the Alps, we may possibly recognise Theodosius and Maximus, the emperors who preceded the termination of the Roman power in Britain, and fought battles in North Britain.

The Conquests in Alban under Crimthan Mor mac Fidhaigh, and his designation as king of Erinn and Alban, have perhaps a historic foundation of a different kind. The first really historical appearance of the Scots in Britain is in the year 360, when, in conjunction with the Picts, they attacked

the Roman province in Britain. The attack was repeated by the Scots and Picts, who were now joined by the Attacotti and Saxons in 364, and they ravaged the whole province till the year 369, when they were driven back by Theodosius, and the province restored. Now the Annals of the Four Masters place the commencement of Crimthan's reign in 366, and he reigned twelve years. The period of his supposed conquests in North Britain synchronises with the appearance of the Scots in Britain, as recorded by the Roman historian. So also the subsequent conquests under Niall Mor and Dathi, and the supposed settlement of the Munster Scots under Core, king of Munster, with the three devastations of the province by the Picts and Scots recorded by Gildas, the first two of which were repelled by the Roman general Stilicho, and the last by the provincial Britons themselves. The period of these attacks extended from the year 360 to 409, but it is quite clear, from the concurrent testimony of all the authorities which record them, that the Scots were driven back to Ireland, and that they effected no permanent settlement in Britain till the end of the sixth century, when the Dalriadic colony was established in the southern part of the great western district of Arregaithel or Argyll.

Early connection between Scotland and Ireland.

We have then, prior to that date, merely temporary conquests in the province of Britain, commencing in 360, which afford the sole historic basis to these supposed settlements, and there is no reason to suppose that prior to 360 a single Scot ever set foot in North Britain. The connection between the two countries of Scotland and Ireland was, notwithstanding, a very intimate one. It is quite clear that prior to the settlement of the Scots in Dalriada, the great nation of the Cruithnigh or Picts formed the sole inhabitants of Britain north of the Firths of Forth and Clyde ; but while we find them during the historic period likewise in possession of that part of the province of Ulster known as Dalnaraidhe or Dalaradia, and Uladh, extend-

ing from the Boyne along its eastern shore to the border of Irish Dalriada, and likewise of that part of Meath termed Maghbreg or Bregia, yet these early legends present them to us as forming the original inhabitants of the north of Ireland, and as constituting one great nation peopling the northern districts of Britain and Galloway on the east side of the Channel, and the whole province of Ulster and part of Meath on the western, while the Scots occupied the rest of Leinster and the whole of Connaught and Munster. The Cruithnigh of both countries were thus substantially one people, and remained so till the beginning of the seventh century, and during this time there must have been a constant intercommunication between the tribes on both sides of the Channel, as well as a community of early legends among them. Thus the Pictish Chronicle tells us that thirty kings of the name of Bruide ruled over Hibernia and Albania during a period of 150 years, and the Irish Nennius derives the statement from the books of the Cruithnigh, while an early legend of the Picts of Dalnaraidhe states that 'thirty kings of the Cruithnigh ruled over Erin and Alban, viz., of the Cruithnigh of Alban and of Erin, viz., of the Dalnaraidhe from Ollamhan, from whence comes Mur Ollamhan at Teamhair or Tara to Fiacha mac Baedan, who fettered the hostages of Erin and Alban.' This latter event was in the historic time, and must have occurred between 589 and 626, when Fiacha mac Baedan was king of Ulster. From this period may therefore be dated the political separation of the Picts of Alban from those of Erin, who had hitherto been governed as one nation. The same legend likewise informs us that 'seven kings of the Cruithnigh of Alban governed Erinn in Teamhair or Tara. Ollamh was the name of the first king that governed Erinn at Teamhair and in Cruachan thirty years. It is from him Mur Ollamhan at Teamhair is; by him was the feast of Teamhair first instituted.' Then, after naming his six successors, the

legend adds, 'These then are the seven kings that ruled over Erin of the Cruithnigh of Alban.'[38] These seven kings, however, appear in the list of the mythic pagan kings of Ireland, and are placed as such by the Annals of the Four Masters as far back as from the year of the world 3883 to 4019, that is, from the year 1317 to 1181 before Christ, each of the seven kings reigning exactly thirty years. The first was Ollamh Fodla, who is, of course, said to be of the race of Ir, and to him is attributed the tribal organisation of his people; for according to the Annals of the Four Masters, 'it was he also that appointed a Toisech over every Triocha Ceud or barony, and a Bruighigh over every Baile or township, who were all to serve the king of Erin.' Under the name of Fodla he appears in the Pictish Chronicle as one of the seven sons of Cruithne, and two of his succesors, viz., Gede Ollgudach and Finnachta, appear in the list of the Pictish kings of Scotland among his immediate successors, and precede the thirty kings of the name of Brude. The numbers peculiar to the Pictish legends are seven, and thirty, and have, of course, no chronological significance.

But the most brilliant period of the mythic history of these Cruithnigh of Ulster was that when the champions of the Order of the Red Branch at Eamhain or Emania were supposed to have performed their great achievements. They are placed in the fabulous history about the commencement of the Christian era, and here we find abundant indications of the close connection between the Cruithnigh of Erin and of Alban. Among these ancient Irish tales are three which are termed the Three Sorrowful Stories of Erin, namely the story of the tragical fate of the children of Lir, the story of the children of Uisneach, and the story of the sons of Tuirinn.[39]

[38] *Chron. of the Picts and Scots*, pp. 320 and 526.

[39] O'Curry, *MS. Materials of Ancient Irish History*, p. 319. The story of the children of Uisneach, from which the quotations are here made, will be found in the *Transactions* of the Gaelic Society of Dublin.

From the second of these tales we learn that about this time Cathbad, a Druid of the Picts of Ulster, has three daughters. The eldest, Decteum, was the mother of the celebrated champion Cuchullin; the second, Albe, was the mother of Naisi, Ainle, and Ardan, the three sons of Uisneach; and the third, Finncaemh, was the mother of Conall Cearnach. These champions were all trained in a military school at Sgathaig in the island of Skye, kept by Aife and her father Scathaidh, and by Aife Cuchullin had a son, Connlaoch, whose history forms one of the Fenian tales. The place called Sgathaig can be still identified. On the west side of the parish of Slate in Skye, on an isolated rock overhanging the arm of the sea termed Loch Eishart, are the remains of an old castle now termed Dunscaich; and below it, at a little distance from the shore, is a small island on which is still to be seen one of those ancient vitrified forts which are so closely connected with these Fenian tales. It is likewise called Dunsgathaig or Dunscaich, and was no doubt the site of Aife's supposed school. Looking across this arm of the sea, the magnificent and most picturesque range of the Coolins form the principal feature in the landscape, and hence the three sons of Uisneach, supposed to have been trained to the use of arms here, are termed in the tale 'The Three Falcons of Sleibhe Cuillinn,' that is, of the Coolin hills, now improperly termed Cuchullin hills.[40] On their return to Ulster, Naisi, the eldest, falls in love with a fair girl Deirdri, who had been reared in a tower by Conchubhar, king of Ulster, with the view of making her his wife. Naisi carries her off, and,

[40] The old Gaelic names of the leading physical features of the Highlands have been so perverted by the numerous guide-books to which the attraction of the country to tourists has given rise, that the older forms well known some thirty years ago are almost gone. The writers of these books seem to have invented an orthography of their own, which they suppose to represent Gaelic words, but are neither one thing nor another. One of their most successful inventions is that of the *Cuchullin* hills in Skye.

accompanied by his two brothers and one hundred and fifty warriors, goes to Alban, where they settled in a wild therein, and obtained maintenance of quarterage, that is, an appanage or land of maintenance to be held for service from the king of that country. The sons of Uisneach are said in the tale to have defended by the might of their hands a district and a half of Alban, and are called 'the Three Dragons of Dunmonadh,' which seems to have been the residence of the kings, as it afterwards was of the Scottish kings of Dalriada, and may be identified as the isolated hill in the Crinan Moss on the banks of the river Add, the top of which bears the remains of a strong fortification, and which was also called Dunadd. In another poem Naisi is said to have visited the daughter of the Lord of Duntreoin on his return from the north of Invernois or Inverness, and this is Duntroon, an old castle on the north side of Loch Crinan.

The place where the sons of Uisneach settled, and where they obtained their land of maintenance, was on the north shore of the arm of the sea called Loch Etive, where their seat was no other than that remarkable vitrified fort crowning the summit of a considerable hill on the shore of the bay of Ardmuchnish, now called Dun mac Sniochan, a corruption of the name *Dun mhic Uisneachan*, and to which Hector Boece gave the fanciful name of Beregonium. Here they are said to have had three booths of chase—one in which they prepared their food, one in which they ate it, and one in which they slept. Conchubhar now resolves to tempt them to return to Ulster, with the treacherous purpose of killing them and taking Deirdre, but is told that they will not come unless either Cuchullin, or Conall Cearnach, or Fergus, son of Roigh, another of the champions of the Red Branch, will go for them and ensure their safety. Cuchullin and Conall Cearnach both refuse, but Fergus agrees to go, finds them at *Loch-n-Eite* or Loch Etive, and at the *Dainghion mhic n-Uisnech* or fastness

of the sons of Uisneach, and persuades them to return, much against the wish of Deirdre, who expresses her regret at leaving that eastern land with its delightful harbours and bays, its dear beauteous plains of soft verdure, and its sprightly green-sided hills, and then utters a beautiful lament on leaving that 'beloved land, that eastern land, Alban with its wonders.'[41] Deirdre tells Fergus that the sway of the sons of Uisneach in Alban is greater than that of Conchubhar in Erin, and her lament bears this out, for the scenery of it embraces the whole of the eastern part of Argyllshire from the Linnhé Loch to Loch Long, and among the places mentioned we can identify Glen Etive at the head of Loch Etive, Inistrynich in Loch Awe, Dun Suibhne or Castle Swen in Knapdale, Glenlaidhe, or Glenlochy, and Glenurchy at the east end of Loch Awe, Glenmasan and Glendaruel in Cowall.[42] Alban now drops out of the tale, and it is unnecessary for our purpose to follow further the tragical fate of the sons of Uisneach after their return to Ulster. We find, however, that Conall Cearnach, another of these heroes of the Cruithnigh of Ulster, has left his traces in the same part of the country, for Dean Munro, in his description of the Western Isles in 1549, tells us of Dunchonill, one of the group of the Garveloch Isles which lie off the coast of Lorne—'Dunchonill, ane iyle so namit from Conal Kernache, ane strength, which is alsmeikle as to say in Englische, ane round castle.' One of the legends of the Cruithnigh of Ulster tells us that Conall Cearnach married Loncetna, the daughter of Echdhe Eachbeoil of Alban, who was a Cruithnigh, by whom he had Irial Glinmar, and adds, 'This was the cause which brought Cuchulain and Curoi son of Daire from Alban to Erin.'[43] The mother of Curoi, we learn from other legends, was Moran

[41] A translation from the oldest copy of it will be found in the introduction to the Dean of Lismore's Book, p. lxxxvii.

[42] *Ib.*, p. lxxxviii. note.

[43] *Chronicles of the Picts and Scots*, p. 319.

Mannanach, the sister of Loncetna. A curious notice of the Pictish king Echdhe Eachbeoil and the intimate connection between the Cruithnigh on both sides of the Irish Channel has been preserved to us in the very ancient document called Cormac's Glossary, where, under the word 'Fir, *i.e.* find' or white, we are told—'This, then, was the appearance of the cows of Echaid Echbel from Alban which Curoi captured, that is, white cows with red ears;' and another MS. adds—'These cows, then, of Echaid Echbel used to come to graze from Ard-Echdai Echbeil, from Alban into the district of Dalriatta, and they used to be in Seimne Ulad. Curoi, however, carried them off by force from the Ulad or Ulster men.'[44]

We thus see how completely the idea of a close connection, amounting to identity both of race and nation, between the Pictish inhabitants of North Britain and the Cruithnigh of Ireland, runs through these popular tales, and expresses a true state of matters which goes far to explain the supposed conquests and settlements under the Irish kings of the mythic and heroic period in Scotland. Although attributed to kings of the different races into which the descendants of Milesius were supposed to be divided, we can see that there is always a tendency to connect them with the Cruithnigh of Ulster. Thus the Fothadhs are by one account of the race of Ith, and by another Cruithnigh of Ulster. When we read of the sons of Nemhead settling in Dobhar and Iardobhar in North Britain, under Braodn the son of Fergus Leithderg, we are reminded at once of the historic king of the Picts, Brude, son of Urgust or Fergus. When we are told that the Tuatha De Danaan proceeded from the same district and bestowed upon Ireland the three designations of Eire, Fodla, and Banba, from the names of the three queens of their three last kings, we cannot avoid noticing that these three names are likewise

[44] Cormac's Glossary, edited by Mr. Whitley Stokes, p. 72.

preserved in Scotland in the river Earn ;[45] in Fodla, one of the seven districts named after the seven sons of Cruithnigh, and which is preserved in Athfotla, the old name of Atholl ; and in Banff. We see too that whenever a Scot is said during this mythic period to have settled in Alban he is usually said to be the son of the daughter of a Pictish king, and to have inherited through his mother. Thus Colla Uais, of the race of Eremon, has a Pictish mother, and so have the two sons of Corc, king of Munster ; and there is reason to suppose that among the Pictish tribes marriage was exogamous and that the son of a Pictish mother even by a stranger was held to belong to the tribe of his mother. Other points of a connection between these Irish legends and those of Scotland also suggest themselves. In the story of the insurrection of the Attachtuatha, or servile tribes of Ireland, against the Milesian Scots, we are told that the nobility of the latter were cut off at a great banquet given by the Attachtuatha, and that none escaped except three nobles who were in their mothers' womb. This same legend is reproduced in the legendary history of Scotland, when the supposed destruction of the Picts by the Scots in the ninth century is said to have been effected in the same manner, the nobles of the Picts having been cut off by the Scots at a great banquet.[46]

The twofold division of the Picts and the establishment of Scone as the capital of the kingdom.

The twofold division of the Scots, supposed to have taken place in the reign of Conn of the hundred battles, has also its parallelism in Scotland ; and if Bede recognised the division of Ireland into the two provinces of the Northern and the Southern Scots, he equally viewed the territory occupied by the great Pictish nation as consisting of the two provinces of the Northern and the Southern Picts, who were separated from each other 'by steep and rugged mountain chains, within

[45] The form of this name as we find it in St. Berchan's prophecy is identical with that of Erin or Ireland.—See *Chron. Picts and Scots*, pp. 84, 88, and 98.

[46] *Chron. Picts and Scots*, p. 165.

which the latter had seats,' a description which can only apply to the great chain of the Mounth, extending from the Eastern Sea to the Western Sea, and separating the counties of Aberdeen and Inverness from those of Kincardine, Forfar, and Perth; and to those minor chains proceeding from it on the south, which, as they terminate in the more level country, form the great barrier of the so-called Grampians. Towards the end of the great Pictish kingdom we find Scone appearing as the principal seat and central point of the monarchy, and Fordun gives as one tradition 'that it had been anciently fixed as the principal seat of the kingdom by both the Pictish and Scottish kings;' and as another 'that the ancient kings, even from the time of Cruithne, the first king of the Picts, had made it the seat of the kingdom of Alban.'[47] Scone is situated on the left bank of the river Tay, and within the ancient district of Gouerin or Gowry, and the circumstances connected with this district, and with Scone as the ancient capital of Scotland, present features very analogous to those recorded in the legend by which the province of Meath was formed, and Teamhair or Tara constituted the chief seat of the monarchy. As Meath was situated where the four ancient provinces of Ulster, Connaught, Munster, and Leinster meet, so also Gowry is placed in a central position where the four ancient provinces of Alban—namely those of Stratherne and Menteath, of Atholl (to which it appears at one time to have been attached), of Angus and Mearns, and of Fife and Fothreve—touch each other. As the originally small district of Meath was enlarged into a province by adding four districts, each of which was taken from one of the other districts, so we find that there were four royal manors of Gowry, viz. those of Scone, Cubert, Forgrund, and Straderdel.[48] These too surround a small

[47] Fordun's *Chronicle*, ed. 1874, vol. i. pp. 227, 430.

[48] There is a charter by Malcolm the Fourth to the canons of Scone, 'in principale sede regni nostri fundata,' in which he conveys to them the titles 'de quatuor maneriis meis de Gouerin scilicet de Scon, et de

central district, and each lies contiguous to one of the four provinces. Scone, forming the western district of Gowry, is separated by the river Tay from the old province of Fortrenn; Cubert or Coupar-Angus, on the north-east, adjoins Angus or Forfarshire; Forgrund, now Longforgan, on the south-east, is separated by the Tay from a parish in Fife bearing the same name; and Stratherdel or Strathardle, on the north, lies within the barrier of the Grampians, and stretches along the eastern boundary of Atholl. As Meath was the old mensal land set apart for the support of the Crown, so we find Gowry too appears to have been a Crown demesne; and as Teamhair or Tara was not only the place where the Ardri or sovereign of Ireland was inaugurated, and the laws of the kingdom framed and published, but was so completely regarded as the central point of the monarchy that the kingdom was often termed the Kingdom of Tara, so we find the ancient kings of Alban inaugurated and the laws of the kingdom promulgated at Scone; and when Kenneth, the first of the Scottish line, overthrew the Pictish dynasty, he is said in the oldest chronicler who records the event to have acquired 'the kingdom of Scone.' [49]

Cubert et de Fergrund et de Stratherdel.'—*Chr. of Scone*, p. 6.

[49] *Chron. Picts and Scots*, pp. 9 and 21.

CHAPTER IV.

THE TUATH OR TRIBE IN IRELAND.

Mixed population of Scotland.

THE population of Scotland in the reign of Alexander the Third was, as we have seen, of a very mixed character. The southern frontier of the kingdom had by this time been advanced to the Solway and the Cheviots, while the annexation of the Isles in his reign had extended its western boundary to its utmost limits. Over the whole of this extended territory the name of Scotland, originally limited to the country north of the Forth and Clyde, had now spread, and we find the area of this extended kingdom occupied by a population consisting of three different races. These were, in the mountainous region of the north and west, the Gael or Highlanders, the descendants of the Northern Picts of pure Gaelic race, and of the Gaelic Scots who had settled among them. The more fertile and level plains forming the eastern seaboard, extending from the Moray Firth to the Cheviots, had originally been possessed by the Southern Picts, a mixed race partly of Gael and partly of Britons, but the Angles of Northumberland had by degrees colonised the whole of it. On the west the Britons of Strathclyde had extended from the Clyde to the Solway, but had likewise given way to the Anglic colonisation; while Galloway west of the Nith was still occupied by a Gaelic people, who had encroached upon the British territory by occupying the district of Carrick in the south, the Northern Gael having likewise encroached on its northern frontier by spreading over the district of Lennox.

Sources of information as to their early social state.

The actual population of Scotland had thus consisted of three races—the two Celtic peoples of the Gael and the Brython or Britons, and the Teutonic people of the Angles. To these races had been added by King David the First and his successors the Norman barons, who were overlords of a great part of the territory of the kingdom, while a Norwegian population may to some extent have still lingered in the Western Isles. In endeavouring to ascertain the early social organisation of these three races, besides the few hints which historical documents afford, we have the advantage of an ancient code of laws of each race. For the Angles we have the Anglo-Saxon laws, and for the Britons the early laws and institutions of Wales, both published by the Record Commission.[1] For the Gael we have the ancient laws of Ireland, commonly called the Brehon Laws, now in course of publication;[2] and besides these there has been preserved a small code in Scotland termed the Laws of the Picts and Scots, and some fragments of ancient law retained in the hands of the different kings of the race of David I.[3]

Tribal organisation of the Gaelic race.

It is with the Celtic races alone that we have to do in this work, and principally with those of Gaelic race, who alone preserved a separate and independent existence in Scotland; and an examination of all those documents which tend to throw light upon the early social organisation of the Gaelic as well as of the Cymric race leads us to the conclusion that it was not territorial or purely patriarchal, but was based on the community or tribe. Among the people of Gaelic race the original social unit appears to have been the *Tuath*, a name originally applied to the tribe, but which came to

[1] *Ancient Laws and Institutes of England*, edited by Benjamin Thorpe, 1840.

Ancient Laws and Institutes of Wales, edited by Aneurin Owen, 1841.

[2] *Ancient Laws of Ireland*, vol. i., vol. ii., vol. iii.

[3] See *Acts of the Parliaments of Scotland*, edited by Cosmo Innes, vol. i.

signify also the territory occupied by the tribe community;[4] but when we endeavour to ascertain the original constitution of the Tuath or tribe of the Gaelic race, we are met by a difficulty analogous to that which we have to encounter in investigating the history of their language. 'The formation of the mother tongue belongs to the prehistoric period, and it is a process which, carried on in the infancy and growth of the social state, is concealed from observation. When its possessors first emerge into view and take their place among the history of nations, counter-influences have already been at work, their language has already entered upon its downward course, and we can only watch it in its process of decomposition and alteration, and reach its primitive condition through the medium of its dialects.'[5] So it is with the tribe. We nowhere see it in its primitive form. When it first emerges in the historic period it has already entered upon a course of modification and change. Various influences have been at work, both internal, arising from the natural progress of society, and external, produced from the contact of foreign organisations, to alter existing forms and introduce new elements, and thus it undergoes a process of change which leads it further and further from its primitive constitution.

Influences affecting the tribe.

Two leading features of this process can, however, without difficulty be detected, and may be assumed as tolerably certain. These are, first, that private property in land did not exist at first, but emerged from a right of common property vested in the community. Personal property or individual property in moveables must at all times have existed, but real property or individual property in the soil is of much later origin, and

[4] Sir Henry Maine, in his *Early History of Institutions*, considers that the unit was the Finé or sept, several of which united to form a tribe; but it will be shown that the Tuath or tribe preceded the Finé or clan.

[5] See the author's Introduction to the Dean of Lismore's Book, pp. xvii. and xviii.

is an excrescence upon the common use or property of the land occupied by the tribe, and is inconsistent with its original constitution. The second feature is, that the social unit was not the individual or the family but the community or tribe. The original bond of union between the members of the tribe was no doubt the belief in a common origin, a common descent from the *eponymus*, whether mythic or historic, from whom it took its name; but in the early period to which we must refer the pure primitive tribe, when the sanctions of marriage were unknown, and a loose relation between the sexes existed, which is faintly shadowed forth in a few scattered notices by the Roman authors of this relation among the Celtic inhabitants of Britain and Ireland, descent through the females rather than the males must have been viewed as the more certain link; and it is probable that here as elsewhere female succession preceded a representation through males, and that the sons belonged to the tribe of their mothers.[6]

Effect of the introduction of Christianity.

The early state of the tribe, however, soon became modified not only by internal changes but also by external influences. Of these external influences not the least powerful, and probably the first in order, was the introduction of Christianity and the adaptation of the Christian Church to the tribal system. The tribe was thus brought into contact with a higher civilisation and a purer code of morals. The lax relations between the sexes, which still survived, must have been checked and controlled, the sanction of marriage enforced, by which the father is placed in his legitimate position as head of the family, and the rights of the children were clearly defined, and the older connection of the members of the tribe through females reduced in some cases to an occasional right of succession through the mother, while in others it entirely disappeared.

[6] The legendary history of Ireland contains traces of the higher position of the female.

Land originally held in common.

The oldest tenure by which land was held was that by the tribe in common. When the tribes passed from the hunting and nomad state to the pastoral, and became possessed of large herds of cattle, it was a natural consequence that each tribe should appropriate a special territory for their better management. The whole of the regulation of these ancient laws is evidently based upon the fact that cattle formed the principal property of the original tribes; and long after individual property in land had become an essential element in the constitution of the tribe, cattle still formed the standard of value by which everything was estimated. That a right of individual property in the cattle existed at a very early period seems very evident, but the land on which they were pastured was the common property of the tribe, and, after the cultivation of land began, the arable land was annually divided into lots, to one of which each member of the tribe had a right. The special district occupied by the tribe would thus consist of pasture land held by the tribe in common, on which each member had a right to pasture the cattle which belonged to him; arable land divided into lots which were annually or at certain periods assigned to him; and unoccupied and waste land remaining as the common property of the tribe.

Distinction of ranks in the tribe.

These rights belonged, however, to the proper members of the tribe only, who were as such on an equality with each other; but there soon came, from other external influences, to be a distinction between those dwelling within the bounds of the *Tuath* of *Saor* or free, and *Daor* or unfree. The freemen of the tribe were alone recognised as possessing rights derived from the original constitution of the tribe. The origin of the class of the unfree is thus stated in connection with the legendary history of Ireland:—'The first race of them were the remnant of the Firbolg themselves, together with the remnant of the Tuath De Danaan,' the legendary people who preceded the Milesian Scots. 'The second race,

the people who passed from their own countries, they being descended from *Saor chlann* (or free tribes), who went under *Daor-chios* (servile rent) to another tribe. The third people were the race of the *Saor chlann*, whose land was converted into *Fearann-chlaidhimh* (sword-land or conquered country) in their own territory, and who remained in it in bondage under the power of their enemies. The fourth race were people of *Saor chlann* who passed into bondage for their evil deeds, and who lost their blood and their land through their evil deeds, according to the law. The fifth people were those who came from stranger soldiers, *i.e.* from external mercenaries who left property in Erin. The sixth race were the people who were descended from the bondmen who came with the Milesians into Erin,' that is, who and their forefathers had always been bondsmen.[7]

The *Ri* or king.

Besides this great distinction between the free and the unfree, the free members of the tribe contained within themselves one distinction which must have always existed among them, and the germs of others which became gradually more prominent as the operation of the causes which led to them more and more influenced the constitution of the tribe. That combination which produced the tribe must from the beginning have had leaders and other necessary office-bearers; some one among them must have had supreme authority as judge in time of peace, and the tribe must have had a competent leader in time of war. Such functionaries were necessary as bonds of union; without them the tribe could not have been kept together in anything like social union; and as the tie which bound the free members of the tribe together was the belief in a common origin—a common descent from a mythic *eponymus* from whom the tribe took its name—so the *Ri* or king, who was at the head of the tribe, held that position not merely by election but as the representative in the senior

[7] *The Book of Rights*, printed by the Celtic Society, p. 174.

line of the common ancestor, and had a hereditary claim to their obedience. As the supreme authority and judge of the tribe he was the *Ri* or king. This was his primary function. Thus we are told that 'it is lawful for a king to have a judge *though he himself is a judge*.'[8] As the leader in war he was the *Toisech* or Captain, and bore the one or the other title as either function became most prominent, while in some cases these functions might be separated and held by different functionaries. Although the *Ri* or king derived his authority from his claim to be the senior representative of the common ancestor, the office was still, from the necessity of being filled by a properly qualified person, to a certain extent elective. It was hereditary in a certain family, but elective among the members of that family; and an additional safeguard against the tribe being left without a proper head was provided by another member of the family being elected *Tanaist* or successor to the *Ri* or king in the event of his death. That the hereditary character of this office existed from primitive times is apparent from this, that a somewhat similar law of succession prevailed in the early Irish Church, the abbot or head of the monastery being chosen from a particular family; and while the influence of the Church may have confirmed, if it did not establish, a strict descent in the male line in the tribe,[9] a hereditary succession in the Church must have been derived from the close connection which had been formed between the Church and the tribe, and from the influence of the tribe upon the Church and not of the Church upon the tribe. While the whole of the land was still the common property of the tribe, the *Ri* or king had no separate possession of land, but in this respect was on an equality with the free members of the tribe, and entitled only to the same right of pasturage for his cattle on the pasture land and to the share of the

[8] *Brehon Laws*, vol. iv. p. 341.

[9] The influence of the Church in this respect is recognised in the Welsh laws.

arable land annually allotted to him; but in addition to this he was maintained in the dignity of his office at the expense of the tribe, and this right of maintenance, according as the tribe and its wealth increased, assumed various forms, one of which may have arisen from the influence of the Church, and given the first impulse to something like separate possession of land. When the Church was established in connection with a tribe, a grant of part of the tribe land and its separation from the rest became a necessity for the maintenance of the Church, and thus those Termon lands which form so marked a feature in the territorial position of the Irish Church, came into existence. Analogous to this, one form which this right of maintenance on the part of the *Ri* or king assumed was, that a portion of land was likewise separated from the common land of the tribe as mensal land for the support of the dignity of the *Ri* or king for the time being.

Distinction of ranks arising from possession of cattle.

Another cause must also of necessity have produced distinction of position between the free members of the tribe. Such an equality as may be held to have existed originally among the members of the tribe can hardly have been preserved unless there was also an equality in their personal characteristics and their wealth in cattle. The natural operation of differences of character and wealth was to create distinctive classes among them. Those of superior abilities soon take the lead of others, and those whose prudence and sagacity enabled them to increase their possession of cattle must soon have occupied a more important position in the tribe, as their share of the annual allotment of land was regulated by the size of their herd. Thus there came to be recognised in the tribe a gradation of ranks founded upon the possession of personal wealth and importance. The lowest grade in the tribe was the *Fer Midba* or inferior man, of whom there were two classes. As soon as a member of the tribe reached the age of fourteen he was emancipated from the con-

trol of his parents and acquired certain rights, but was not vested with his full privileges till the encircling of the beard, that is, till he became twenty years old, when he was entitled to a separate residence (*Sain trebhta*) and a share of the tribe land (*Sealbh*). Above the *Fer Midba* was the *Boaire* or Cowlord, whose superior wealth in cattle, with the exclusive possession of a homestead, gave him a kind of nobility over the tribe's man. Of the *Boaire* class there were six grades. The lowest rank, to which the title of *Aire* was given, was the *Ogaire* or young lord who had 'newly taken householdship upon him.' His property was reckoned by the number seven. He had seven cows with their bull, seven pigs with a boar, seven sheep, and a horse for work and riding. He possessed a house but no land in property. The land required for the support of seven cows was termed a Cow-land, and he left one cow at the end of the year in payment for it. He had the fourth part of a plough, and therefore his possession with the arable land attached to it formed probably the fourth part of a ploughgate, or thirty acres, equivalent to the husband-land in Scotland. The next higher grade was the tenant resident (*Aithech ar athreba*). He represented a small community of four or five, occupying jointly as much land and possessing in common as much stock as would entitle a single person to be a *Boaire*. He had ten cows, ten pigs, ten sheep, but, like the *Ogaire*, the fourth part of ploughing apparatus, which is here defined to be an ox or ploughshare, a goad, and a bridle. He was so named as occupying a part only of as much land as would entitle him to be called a *Boaire* along with others, the joint possession being sufficient for the purpose. Above him was the *Boaire febhsa*, so called 'because it is from cows his rank as an *Aire* and his honor price are derived.' He had land of the value of twice seven *Cumhals*, or forty-two cows. He had a house with a back house or kitchen, a share in a mill, a kiln, a barn, a sheep-

house, a calf-house, and a pigstye. These are the seven houses from which each *Boaire* was rated, and formed the complete *Rath* or homestead. It was surrounded by a precinct or *Maigne*, which was a space as far as the *Boaire* could cast a spear with an iron head, or hammer, sitting at the door of his house, and was inviolable. The whole was usually enclosed by a ditch and earthen rampart. And he possessed twelve cows and half a plough. Land of the value of three times seven *Cumhals* or sixty-three cows, and the possession of twenty cows, two bulls, six bullocks, twenty hogs, twenty sheep, four house-fed hogs, two sows, and a riding-horse, made him a *Bruighfer*, and entailed upon him the burden of 'receiving the king, bishop, poet, or judge from off the road,' as well as all travellers. And here too the court of judgment was held for the tribe and the assembly of the tribe's men. When the *Boaire* possessed so large an amount of stock as to be obliged to give off some to others he becomes a *Ferfothla*, and 'the excess of his cattle which his own land cannot sustain, which he cannot sell for land, and which he does not himself require, he gives as the proportionate stock of tenants' (*Ceile*). The highest grade of the *Boaire* was the *Aire-coisring*, who represented the people before the king and the synod.

Origin and growth of private property, and creation of an order of territorial chiefs.

The superior position in which the *Boaire* was placed towards the other members of the tribe, his more extensive stock, and the exclusive possession of his homestead, must have naturally led to a desire to retain the same land in his family, instead of being subjected to annual change; and the larger his possession the more easily he would obtain this, which was an inevitable step to the introduction of rights of private property in the land of the tribe. When the same family had retained possession of land for three generations it came at length to constitute a right of property, and thus a class of territorial lords was created whose position as *Aires*

was based upon property in land. This right of property and all the privileges connected with it was termed *Deis*, and they formed a superior class of territorial magnates, who were termed *Flaith* or chieftains, and constituted an order termed the *Grad Flaith*, in contradistinction to the *Grad Feine* or inferior order.

In the division of these respective orders, if not in the actual introduction of an individual right of property in land, we can again trace the influence of the Christian Church. In one of the tracts forming the collection of laws termed the Brehon, but not one of the most ancient, the following account of these divisions is given :—'How many divisions are there of these ?—Seven. What is the division of the grades of a Tuath derived from ?—From the similitude of ecclesiastical orders, for it is proper that for every order which is in the Church there should be a corresponding one in the Tuath.' But this number of seven is purely arbitrary, for we are told that the grades of the Tuath consist of the 'Fer Midba, the Boaire, the Aire desa, the Aire ard, the Aire tuise, the Aire forgaill, and the Ri or king. If it be according to the right of the Feinechus law, it is in such manner these seven grades are divided.' But then follows—'What is the division if it be not the Boaire with his eight divisions ?' that is, if the 'Grad Feine,' or inferior order consisting of eight divisions, is excluded ; and the answer is—'The Aire desa, the Aire echta, the Aire ard, the Aire tuise, the Aire forgaill, the Tanaist of the Ri or king, and the Ri or king.' Here the number of seven is made up by adding to the Grad Flaith an Aire echta and the Tanaist.[10]

As these ranks of the *Grad Flaith* possessed an increasing amount of stock beyond what their own land could maintain, one great characteristic of the order was their possessing

The *Ceile* or tenants of a chief.

[10] This account of the ranks in the tribe is taken from the *Crithgabhlach Brehon Laws*, vol. iv. p. 299.

tenants or *Ceile*, that is, persons of the inferior order to whom they gave their surplus stock in return for a food-rent, services, and homage; the gift being termed *Taurcreic* and the food-rent *Besa*. And as the territorial lords appropriated more and more land of the tribe as individual property, it is obvious that the land remaining for division among the freemen of the tribe must have been proportionately diminished, while the natural increase of the population must have increased the evil. An ancient tract tells us that 'numerous were the human beings in Ireland at that time (A.D. 658-694), and such was their number that they used not to get but thrice nine ridges for each man in Ireland, viz., nine of bog, and nine of smooth or arable, and nine of wood;' and we read in the *Lebor na huidre* that 'there was not ditch nor fence nor stone wall round land till came the period of the sons of Aed Slane (the same period), but smooth fields. Because of the abundance of the households in their period, therefore it is that they introduced boundaries in Ireland.'[11] Thus, as the land and the wealth in cattle of these *Flaith* or territorial lords increased, the freemen of the tribe who were still independent became poorer, and their lots diminished, and by degrees they began voluntarily to place themselves under these lords by accepting stock from them, in return for which they became their dependants. Where the *Flath* contributed merely an addition to the stock of the freeman who already possessed some, he became his *Saer Ceile* or free tenant, and had to return the value of a third of the stock annually for seven years; and besides this the tenant might be called upon to give certain services termed *Manchaine*, such as assisting in building a fort, reaping the harvest, or going on hostings, and had to pay a food-rent for his house, termed *Bestigi*, likewise did homage on paying his rent, termed *Urcirge*. Where the Flath furnished the entire stock for the tenant he had to give security

[11] Quoted in Sir H. S. Maine's *Early History of Institutions*, p. 114.

for its return, and became his *Daer Ceile* or Bond-tenant, and had to pay a food tribute termed *Biathad* twice a year.[12]

The *Aire desa* had ten such tenants, five bond and five free. He is described as 'the son of an Aire and the grandson of an Aire, with the property of his house.' The *Aire echta* seems to have ranked with the *Aire desa*. The *Aire ard* had twenty tenants or *Ceile*, ten bond and ten free. The *Aire tuise*, so called 'because his race has precedence, and he takes precedence of the *Aire ard*,' had twenty-seven tenants or *Ceile*, fifteen bond and twelve free; and the *Aire forgaill* or highest rank has forty tenants or *Ceile*, twenty bond and twenty free. Besides these *Ceile* or tenants, so constituted by voluntary contracts between the freemen and the *Flath* or chief, he had likewise *Bothach* or Cottiers and *Fuidhir*, strangers, or broken men from other tribes, whom he settled upon his waste land in return for homage and service, and these, if they had remained nine times nine years on the land, became what were called *Sencleithe* or old standers.[13]

This account of how the constitution of the tribe became modified and altered by the effect of internal change and external influence pretends to be nothing more than a speculative view of it, but we have now reached that stage in its progress when it fairly enough represents the tribe in the form in which we find it in the ancient Irish laws; but as these laws with their commentaries belong to different periods, some branches of them being obviously more modern than others, this must be borne in mind in endeavouring to extract a view of the organisation of the tribe from them.

State of the *Tuath* or territory of a tribe.

The territory belonging to a tribe is now termed *Tuath*, the tribe itself *Ciniol*, as implying a race of men sprung from a common ancestor. The land of the tribe is now found in three different positions. There was first that part of the original territory of the tribe which still remained the *Feacht*

[12] *Ibid.* vol. ii. p. 345. [13] *Ibid.* iv. p. 321.

Finne or common property of the tribe, and consisted of the common pasture lands, on which each freeman of the tribe had a right to pasture his cattle, and of the common tillage lands annually divided among those freemen who possessed cattle, a possession which entitled them to the usufruct of a share of the arable land and to a habitation in each township. The cattle each person had were termed his *Cro*, a name also applied to the enclosure in which they were housed, and the entire cattle of the tribe were termed their *Creaght*. Then, secondly, there was the official or mensal land set apart for the maintenance of the *Ri* or *Toisech*, the *Tanist*, and the other functionaries of the tribe, as the Bard, the Brehon or judge, the Sennachy or historian, etc.; and along with this land may be classed the Church land or Termon land given to the Church free of all imposition, which land was held to form a sanctuary. Lastly, there was the land held by individual ownership. This land was the *Orba* or inheritance land, which belonged to the *Flaith* or chiefs, and which was transmissible to their successors. The principal part of this land was retained by the chief in demesne, and on it he had settled the strangers called *Fuidhir* who consisted of two classes, Free and Bond, and formed a body of retainers entirely under his control; and here too were the *Bothach* or Cottiers, and those who by length of residence had become *Sencleithe*. The land not retained by himself was given off to freemen of the tribe to whom he had given stock either by *Saer* or by *Daer* stock tenure, and who thus became his *Ceile* or tenants.

The *Dun* or fort.

The stronghold of the tribe was the *Dun* or fort, which the *Ri* alone had a right to occupy, and of which each king was bound to have at least three. The description given of it is as follows:—'Seven score feet are the dimensions of the Dun every way; seven feet the thickness of the mound at top; twelve feet at bottom. Then only is he king, when

he is encircled by the moat of servitude. Twelve feet is the breadth of its mouth and of its bottom, and its length is the same as the Dun. Thirty feet is its length on the outside.'[14] The average number of fighting men which a tribe turned out on ordinary occasions appears to have been 700.[15] The possessions of the Church within the territory of the tribe varied in extent from half a *Ballyboe* or ploughgate, till in some cases the Dun itself and the possessions of the king or chief were granted to found a monastery, and in those cases where the monastery was said to have consisted of 3000 monks, the tribe itself appears to have merged in the Church. There came to be a lay and a clerical *progenics*, and the head of the tribe appears to have been chosen alternately from the tribe of the land and the tribe of the patron saint.[16] The free and bond *Ceile* then became free and bond *Manachs*, their position being substantially the same.

The *Mortuath.*

Such being the aspect in which the tribe is presented to us in the ancient laws of Ireland, it must not be assumed that these tribes, thus possessing a complete organisation in themselves, were at this period independent of each other. From even a much earlier period they seem to have been united in a constitutional framework, by which they formed a kind of federal nation. Several of these *Tuaths* were grouped together to form a still larger tribe, termed a *Mortuath* or great tribe, over whom one of the kings presided as *Ri Mortuath.* The normal number forming a *Mortuath* is in one place stated as three, and in another seven.

The *Cuicidh* or province.

Then several of these *Mortuath* formed a province, called in Irish *Cuicidh*, or a fifth. The name is interpreted as implying that the *Mortuath* thus united were five in number, but the usual explanation is more probable, that as there were five provinces in Ireland—Meath, Leinster, Munster, Connaught, and Ulster—it means that each was the fifth part

[14] Maine, vol. iv. p. 337. [15] *Ibid.* iv. p. 331. [16] *Ibid.* iv. p. 373.

of Ireland. Over each province was the *Ri Cuicidh*, or provincial king, and then over the whole was the *Ardri*, or sovereign of all Ireland.

The law of Tanistry.

The succession to these several grades of *Ri* or king was the same as that of the *Ri Tuath*, and was regulated by the law of Tanistry, that is, hereditary in the family but elective in the individual, the senior of the family being usually preferred; but as, when the king was chosen, the Tanist would naturally be selected from the next most powerful branch of the family, it fell at length into an alternate succession between the two most powerful branches. This becomes at once apparent when we examine the actual succession of these kings as recorded in the Annals. The sovereignty over the whole of Ireland fell for several centuries into one branch of the great family called the Northern Hy Neill, and the throne was filled alternately from two branches of it. The succession of the kings of Munster shows the same peculiarity of an alternate succession between the descendants of two sons of the mythic founder of that kingdom, and furnished the illustration upon which a Dissertation on the Law of Tanistry, attributed to General Vallancey, but really written by Doctor John O'Brien, Bishop of Cloyne, was founded. The province of Ulster, where an ancient Pictish population was encroached upon and gradually superseded by Scottish tribes, exhibits the remarkable peculiarity of an alternate succession of the kings of Ulster between a family descended from its old Pictish kings and one of the earliest colonies of Scots, that of the *Dalfiatach*, who settled among them.[17]

Connection between superiors and dependants.

The tie which bound these groups together, and united the chain which connected the *Ardri* with the *Ri Tuath*, was the same which linked the latter with his dependent chiefs, and those with their *Ceile*. The dependence of one upon

[17] See *Collectanea de Rebus Hibernicis*, vol. i., No. III., and Appendix to the *Battle of Maghrath*.

another possessed the invariable feature of a gift or subsidy from the superior to the inferior, and corresponding duties from the inferior to the superior. In one of the law tracts the gift from the superior appears as *Taurcreic*, or proportionate stock, and the return as *Bestighi*, or food-rent of the house, and ranges from a *Taurcreic* of five Seds, and a *Bestighi* of a wether, with its accompaniments, consisting of cakes, milk, and butter, as the lowest for the *Fermidha* to a *Taurcreic* of fifteen *Cumhals*, or forty-five cows, and a *Bestighi* of eight cows for the *Ri Tuath*.[18] We derive the fullest information on this subject from the ancient tract termed the Book of Rights. We there see the gift or *Tuarastach*, as it is there called, made by the *Ardri* to the different provincial kings, by them to the kings of the respective *Mortuath*, and by the latter to the *Ri Tuath*; while the corresponding returns made by the inferior to the superior king consisted first of a small fixed rent, which in one case consisted of a *Syreaball*, or three-pence, from each *Baile* or township,[19] and a tribute termed *Cobhach*, which included, in the case of Munster, a submission paid in cattle, termed *Smacht*, and a *Biathad* or refection: and each king was entitled to a maintenance when going beyond his own territory, called *Coinnim*, corrupted into Coigny; and besides these, service in war was due from each inferior tribe to the superior, distinguished into *Feacht* or expedition, and *Sluaged* or hosting. The number of fighting men each *Tuath* had to provide was 700, and each *Mortuath* three companies, or 2100 men.

The system of fines.

Another feature of the ancient tribal system in Ireland, presented to us in the Brehon Laws, must not be overlooked, and that is the system of fines, in which respect it closely resembled not only similar regulations in the Welsh Laws but likewise in those of the Anglo-Saxons. In that early

[18] *Ancient Laws of Ireland*, vol. iv., *Crithgablach*.
[19] *Tribes and Customs of Hy Many*, p. 13.

state of society the idea that the slaughter or injury of any of its members was a crime against the State, which required the punishment of the criminal in vindication of the law of the land, was entirely unknown. The slaughter or injury of the member of the tribe was considered as a loss to the tribe itself, which must be compensated for, and when compensation was made and accepted the criminal was free. Originally the compensation was probably simple retaliation, but afterwards this right of retaliation might be bought off by payment of a fine. That a tradition of this kind existed appears from a passage in the Introduction to the Senchus Mor, in which we are told that 'retaliation prevailed in Erin before Patrick, and Patrick brought forgiveness with him. At this day we keep between forgiveness and retaliation; for as at present no one has the power of bestowing heaven as Patrick had at that day, so no one is put to death for his intentional crimes, so long as Eric fine is obtained; and whenever Eric fine is not obtained, he is put to death for his intentional crimes, and placed on the sea for his unintentional crimes.' Sir Henry Maine, in commenting on this passage, justly remarks, that 'it is impossible, of course, to accept the statement that this wide-spread ancient institution, the pecuniary fine levied on tribes or families for the wrongs done by their members, had its origin in Christian influences; but that it succeeded simple retaliation is in the highest degree probable.'[20]

The Honor price.

The system of fines was based in the main upon a fixed value put upon each person, estimated according to his position and rank, and expressed by a standard of value in cattle. This was his *Enechlann* or Honor price, and it enters as an element into all the pecuniary relations of the different members of the tribes with each other. This standard of value was expressed in two forms. First by what was termed a *Set* or *Sed*, by which single animals of different value were

[20] *Early History of Institutions*, p. 23.

meant. The next was the *Ri Set* or milch cow, which was equal to two *Samaiscs* or three-year-old heifers or mules, and each *Samaisc* was equal to two *Dairts* or *Colpachs*, that is, two-year-old heifers or bulls, and the rule was that of every three *Sets* one must be of each kind.[21] The other standard of value was the *Cumhal*, which originally meant a female bondslave, and was equal in value to three milch cows.

The Honor price of the *Ogaire* was three *Seds*, but they must be *Seds* of the cow kind. Five *Seds* that of a *Boaire*; ten *Seds* that of the *Aire desa*; fifteen that of the *Aire ard*; twenty that of the *Aire tuisi*; twenty-four that of the *Aire forgaill*; thirty *Seds* that of the Tanist or successor to the king of the tribe; and seven *Cumhals*, or twenty-one cows, that of the king himself. The king of a *Mortuath* has an additional *Cumhal*, or three cows more, to make up his Honor price. The Honor price of a son of each rank was equal to that of the rank immediately below it. The intentional slaughter, then, of one of these persons might be compensated by payment of the Eric fine, which was equal to the Honor price of the person slain. Other fines were the Dire fine for injury to a man's property, and the *Smacht* or body fine. A share of these fines fell to the *Flath* or chief under whom the person injured was, and also to the king of the tribe, which formed no insignificant portion of his revenue.

System of land measures.

In combination with the tribal organisation, there was also in Ireland an ancient system of fixed land measures adapted to it. The largest of these divisions was the *Trichaced*, which was considered as the normal extent of the *Tuath* or territory of a tribe. It contained thirty *Bailebiataghs*, and each *Bailebiatagh* twelve *Scisrighs* or ploughlands, also termed *Ballyboes*, and these were the townships, and the distribution

[21] Cormac's *Glossary*, voce *Clethac*, p. 29. Mr. O'Curry gives the following illustration:—A fine of three Cumals, or twenty-one cows, might be paid thus:—
10 Ri Seoit = 10 cows.
16 Samaisc = 8 cows.
12 Seoitgabla = 3 cows.

of the land among the freemen of the tribe appears to have been separately allotted in each township to its occupants. An ancient poem,[22] printed by Mr. O'Donovan in his edition of the Battle of Magh Lena, gives probably the oldest view of these land divisions over all Ireland, as it is attributed to the same Finntan who is said to have preserved the record of the ancient mythic colonisation of Ireland. The poem is thus translated by Mr. O'Donovan, the denomination of land being, however, retained untranslated :—

1. How many Trichas in noble Erinn,
   How many half Trichas to accord,
   How many Bailes in linked array,
   How many doth each Baile sustain.

2. How many Bailes and Tricha-ceds,
   In Erinn the abundant in wealth.
   I say unto thee—an assertion with sense—
   I defy all the learned to confute it.

3. Do not say that you defy me,
   Said Finntan, the man of sense ;
   I am the most learned that has been
   In Alban, in Erinn.

4. Ten Bailes in each Tricha-ced,
   And twenty Bailes (thirty in all), it is no falsehood ;
   Though small their number to us appears,
   Their extent form a noble country (Crich).

5. A Baile sustains three hundred cows,
   With twelve Seisrighs, it is no lie ;
   Four full herds may therein roam,
   With no cow of either touching the other.

6. I enumerate eighteen Trichas
   In the country of Meath of ample wealth.
   And thirty Trichas more
   In the country of Connaght yellow-haired.

[22] Published by Celtic Society, p. 107.

7. I enumerate fifteen Trichas,
And twenty Trichas ; without falsehood
This I say to you—a saying bold—
In the great province of Ulster.

8. Eleven Trichas in Leinster,
And twenty of teaming wealth,
From Inbher Duibhlinne hither
Unto the road of the Boroimhe.

9. Ten Trichas in Munster,
And threescore in full accordance,
In the two proud provinces (N. and S. Munster),
In the great extensive Munster.

10. I enumerate four Tricha-ceds,
And ninescore (184 in all), it is no falsehood,
Without the deficiency to any Tricha of them,
Of one Baile or half a Baile.

11. Twenty Bailes, too, and five hundred
And five thousand (5520 in all), it is no falsehood
Since I have taken to divide them,
Is the number of Bailes in Erinn.

12. Two score acres three times,
Is the land of the Seisrigh ;
The land of three Seisrighs, therefore,
Is the quarter of a Bailebiataigh.

13. To twelve Seisrighs in full,
The Bailebiataigh alone is equal ;
As I am Finntan, a man of sense,
The tenth generation from Adam.

14. The history of Erinn in memory,
As it is in all the books,
Finntan, the truly intelligent, hath.
Of him is asked how many.

The *Seisrigh* or ploughgate, which represents the sown land, is here stated to contain 120 acres and twelve ploughgates, with as much pasture land as sustained 300 cows, or

four herds of seventy-five each formed the *Bailebiatagh*. Thirty *Bailebiataghs* constituted a *Tricha-ced*, which would thus contain 43,200 acres; and as, according to the poem, there were 184 *Tricha-ceds* in Ireland, this represents about one-half of the acreage of the whole country, assuming that the ancient and modern acre was the same in extent. The other half would thus represent the waste lands, which were turned to no profitable account.

These measures of land make their appearance at an early period in the mythic history of Ireland, for it is recorded of Ollamh Fodla, one of the most remarkable figures who appears in this extraordinary catalogue of shadowy monarchs, and who is said to have flourished twelve centuries before Christ, that 'it was he also that appointed a *Toisech* over every *Tricha-ced*, and a *Brughaidh* over every *Baile*, who were all to serve the king of Erinn.'[23] They emerge also in the historic period in the tenth century, when a great fleet of Danes landed at Limerick and plundered and ravaged Munster, both churches and tribes (*Cella* ocus *Tuatha*), and their king is said to have 'ordained kings (*Rigu*), chiefs (*Taishechu*), *Maers* and *Reactairidu* or stewards in each land (*Tir*) and in each *Tuath*, as well as levied the *Cis rigda*, or dues of the kingdom,' that is, confirmed the old tribal organisation, substituting Danes for Gael, so that there was 'a king (*Ri*) for each *Tir*, a *Toisech* for each *Tuath*, an abbot for each *Cill* or church, a *Maer* for each *Baile*, and a *Suairtleach* in each *Tigi* or homestead.[24] In the succeeding century it is told of Brian Boroimhe, the Munster king who reigned over Ireland from 1002 to 1014, and defeated the Danes in the great battle of Clontarf, that 'during his time surnames were first given, and territories (*Duchadha*) allotted to the surnames, and the boundaries of every *Tuath* and every *Tricha-ced* were fixed.'[25]

[23] *Annals of the Four Masters*, i. p. 53.
[24] *War of the Gaedhil with Gaill*, p. 49. [25] *Irish Topographical Poems*, p. 9.

But although these ancient measures of land are represented as possessing a definite and fixed extent, yet there seems to be little doubt that they varied very much in different parts of Ireland. Thus the unit of the *Seisrigh* or ploughgate seems to have been of two kinds—a larger measure of 120 acres in some parts of Ireland, and a smaller measure of 60 acres in other parts. We also find the *Ballybiatagh* consisting of sixteen *Taths* in place of twelve ploughgates, the *Tath* containing sixty acres.

Later state of the tribes.

But not only do these measures of land vary in size and denomination, but the *Tuath* or tribe territory appears also to have varied in different parts of Ireland as well as the constitution of the tribe possessing it. The publications of the Irish Archæological and Celtic Societies afford specimens of this in four of the provinces in Ireland. Thus the preface to the poems of John O Dugan, who died in 1372, opens with reference to Meath with the general statement—'His country (*Duthaidh*) to every *Ardrigh* and to every *Urrigh* and to every *Taoisech* of a *Tuath* in Erin.'[26] In the district of Corca Laidhe in Munster, which represented a *Mortuath*, instead of containing merely three or seven *Tuaths*, we find eight *Tuaths* mentioned, and of seven of these the head of the tribe is termed its *Toisech*, and bears the same name, while the *Flaith* or chiefs are called *Oclaich Duthaich*, or the champions of the territory. The first is the *Duthaich* or country of *O Gillamichil*, with seventeen *Oclaich*. Then we have the *Tuath Ui Chonneid*, with O Conneid as its *Toisech*, and five *Oclaich*. Then *Tuath Ruis*, with O Laeghaire as its *Toisech*, and eleven *Oclaich* or chiefs. Then Tuath O'n-Aenghusa, with O h-Aenghusa as its *Toisech*, and fourteen *Oclaich*. Then Tuath O'Fithcheallaigh, with O'Fithcheallaigh as its *Toisech*, and eight *Oclaich*. Then Tuath O'n Dunghalaigh, with O Dunghaill as its *Toisech*, and nine *Oclaich*. Then Tuath Ui-Dubhdaleithe, with O Dubh-

[26] *Irish Topographical Poems*, p. 1.

daleithe as its *Toisech* and seven *Oclaich*. The boundaries of these several *Tuaths* are likewise given.[27]

In the province of Connaught we have also an account of four of the great territories, which furnishes us also with some information regarding the constitution of the tribes there. In a tract printed in the appendix to 'The Tribes and Customs of Hy Fiachraich' we find the following statement:—'Connaught (and, I suppose, other provinces) was anciently distinguished into countries called Doohie (*Duthaidh*) or Tyre (*Tir*), named from such and such families or nations inhabiting them, as in the barony of Athlone, Doohie Keogh, the country or nation of the Keoghs. In the barony of Ballintobber, Doohie Hanly, the country of the Hanleys, and betwixt Elphin and Jamestown, that sweet country Teer O Ruin (*Tir Briuin*) and Teer O Byrne, the country of the Beirns. These countries were subdivided into townlands (in some other parts of Ireland known by the name of ploughlands), which were called Ballys, as in Doohie Hanley *Bally nengulluh*, or Gyllstown, *Ballygilleclinne*, the town of the Chlinnes), *Ballyfeeny*, etc.; and each townland was divided again into quarters, which are generally known and distinguished by certain meares and bounds, and for that reason the name of quarter is used as though it signified a certain measure; and now the lands here are generally set and let, not by the measure of acres but by the name of quarters, cartrons, and gnieves, a quarter being the fourth part of a townland, and a gnieve the sixth part of a quarter, and a cartron also the fourth part of a quarter (although in other parts of Ireland a quarter is the same part that a cartron is here, and a gnieve the fourth part of a cartron). I have been sometimes perplexed to know how many acres a quarter contains, but I have learned it is an uncertain measure, and anciently proportioned only by guess, or

[27] *Miscellany of the Celtic Society*, p. 49.

according to the bigness of the townland whereof it was a parcel.' [28]

From the tract termed the 'Hereditary Proprietors (*Duthchusaigh*) of the Clann Fiachrach' we obtain some further information. The territory possessed by the tribe appears under different names. These are *Triocha Cheud, Taoisidheacht,* or territory ruled over by a *Taoisech, Tuath,* and *Duthaidh.*[29] The first is the *Triocha Ceud* of Ceara, and over it were three kings, O'Muireadhaigh, O'Gormog, and O'Tighernaigh. It seems to have been exceptionally large. Then we have five districts termed *Taoisidheacht.* The first is that of O'h-Uada and O'Cinnchnamha. Then that of O'Cearnaigh, containing the twenty-four Ballys of the termon of Balla, and therefore nearly as extensive as a *Triocha Ceud,* but the expression Termon indicates it as being church land. Then that of Ui Ruadin and of him is the *Dudhchus* of O'Culachan. Then that of O'Birn and that of O'Gorrmghiolla, the latter containing seven Ballys and a half, or the fourth part of a *Triocha Ceud.* Then there are three *Tuaths* mentioned. First the *Tuath* of Partraighe, co-extensive with the parish of Ballyovey. Of this *Tuath* we have two accounts. The first shows us the *Ri tuath* and the *Taoisech* distinct, for O'Gaimiallaigh was its *Ri* and O'Dorchaidhe its *Taoisech.* By the second account it was the *Taoisigheacht* of O'Dorchaidhe alone. O'Banan of Bally Ui Banan and Magilin of Muine were two *Mac Oglaichs* or inferior chiefs. The *Tuath* of Magh na bethighe contained the seven Ballys of Lughortan, the *Duthaidh* of Mac an Bhainbh. The *Tuath* of Magh Fhiondalbha, containing fifteen Ballys or half a *Triocha Ceud,* was the *Duthaidh* of O'Cearnaigh. Then twelve *Duthaidhs*

[28] *Tribes and Customs of Hy Fiachraich,* p. 453.

[29] Mr. O'Donovan explains *Duthaidh* as a tract of country hereditary in some family; *Duthchas* as a hereditary estate or patrimonial inheritance; *Duthchasach* an inheritor or hereditary proprietor.—*Ib.* p. 149.

or Estates are given, all connected with surnames. Of these seven consist of one Bally only. The *Duthaidh* of O'h-Edhneachan consisted of three divisions, each containing three Ballys. The *Duthaidh* of O'Faghartaigh contained three Ballys, and that of O'Caomhan containing the seven Ballys of Roslaogh. All of these tribes possessed a common origin with one exception, for it is added 'that there was found no *Tuath* without its hereditary proprietor of the race of Earc Culbhuidhe except this well-known *Tuath Aitheachda*,' that is, tribe of the older subjected inhabitants, called *Tuath Ruisen*, the old name of Roslaog.[30]

The Tribes and Customs of Hy Many, another great district of Connaught, throw further light on the subject. This district was considered to be a third part of the province of Connaught, and the patrimony of the *Clann Ceallaigh* or O'Kellys. In a tract giving an account of its boundaries we are told that it consisted of 'seven *Tricha*, seven *Tuaths*, seven *Ballys*, and seven half *Ballys*';[31] and in the tract called the 'Customs of Hy Many' we read: 'These are the tributaries of the *Clann Ceallaigh*: the O'Duibhginns, the O'Geibhennaighs, the MacCathails, the MacFloinns, Muintir Murchadhan, and the Clann Aedhagain, until they become Ollamhs to the *Ardri* or head of the whole race. These seven tributaries correspond with the seven *Tricha*;' and it is added, that 'the third part of the *Cuigid* or province of Connaught, that is, Hy Many, is to be their *Duthaidh* for ever.' They have also the 'marshalship of the forces' (*Marasgalacht a Sluag*), as *Saer clann* or free tribes, and they are freed from the *Sluaged*, or hostings of spring and autumn. The seven *Tuaths* were apparently smaller divisions, and corresponding with them we have 'the seven *Oirrighi* or sub-kings of Hy Many, viz., O'Conaill, and he has the same patrimony as Mac

[30] *Tribes and Customs of Hy Fiachriach*, pp. 149-159.
[31] *Customs of Hy Many*, preface, p. 4.

Chnaimhin and O'Dubhurrla; the *Oirrighs* of the *Sil Anmchadha* are the O'Madudhains; the *Righs* or rather *Oirrighs* of Maenmaigh are the Muintir Neachtain and the O'Maelallaidhs; the six *Soghans* with their *Tricha*; to whomsoever of them they cede the lordship he is called *Oirrigh* during his lordship,' and this makes up the seven. Corresponding with the seven *Ballys* we find that 'the seven *Flaiths* of Hy Many are these, viz., Mac Eidhigan, *Flath* of Clann Diarmada; MacGelli-Enan, *Flath* of Clann Flaithemael and of the Muintir Chinait; the *Flaith* of Clann Bresail is the Muintir Domhnallan, and the *Flaith* of Clann Duibgind is O'Duibgind, and O'Gabhrain is over Dal n-Druithne, and O'Docomhlan over Rinnna h-Eignide, and O'Donnchadha over Aibh Cormac Maenmuighe, and O'Mailbrigdi is *Flath* of Bredach.' The seven half *Ballys* correspond with the seven principal *Comharbas* of Hy Many, and were the lands attached to seven churches. We have then the following curious account of the termination of the tribal system in Hy Many. An agreement is entered into in the reign of Queen Elizabeth, on the 6th of August 1589, between 'the Irish chieftains and inhabitants of Imany called the O'Kellie's country,' consisting of, first, the O'Kelly or head of the race; two O'Kellys, competitors for the name of Tanistshippe of O'Kelly; two other O'Kellys, and different chiefs bearing the names of O'Mannine, O'Concannon, O'Naghten, Mac Keoghe, O'Murry, O'Fallone, and Mac Gerraghte. It is there stated that 'the territory of Imany, called O'Kelly's Country, is divided into five principal barronyes, all which contain 665½ quarters of land, each at 120 acres;' and they agree 'that the Captainshippe and Tanistshippe of the said country, heretofore used by the said O'Kellys, and all elections and Irish customary division of lands, shall be utterly abolished and extinct for ever.' The O'Kelly is to have four quarters of land then in his possession, with a chief-rent out of other

lands during his life, and the other two O'Kellys four quarters each.[32]

The third great district or *Mortuath* of Connaught was that called 'West, or H-Iar Connaught, the country of the O'Flahertys,' and in connection with it we have a tract on the 'territories of the hereditary proprietors of Muintir Murchadha of Clanfergail and Meadruidhe and Hy Briuin Seola and Hy Briuin Ratha and Muintir Fathy; their *Toiseachs* and high *Mac Oglachs* and *Ollaves*, that is, O'Halloran is *Toiseach* of the twenty-four Ballys of Clanfergail (or nearly a *Triocha Ceud*), and of these are O'Antuile and O'Fergus of Roscam. Mac Cingamain and Mac Catharnaigh are the two *Toiseachs* of Meadruidhe, having each their own people of the tribe subject to them. O'Dathlaoich is the *Toiseach* of the fourteen Ballys of the Hy Briuin Ratha (or half a *Triocha Ceud*), and of these are the O'Kennedies and the O'Duinns and the O'Innogs of Cnoctuadh and O'Laighin of Lackagh and O'Callanan, Comharba of Kilcahil,' the latter being an ecclesiastical sept occupying church land. 'O'Canavan was medical Ollamh of O'Flaherty in the *Tuath* of Toibrineadh, but others say it was O'Laighidh. The *Flaith* or chiefs of Hy Briuin Seola, with their correlatives, are O'Fechin, O'Balbhain, O'Duff, and O'Madudhain.' This last tribe does not appear united under one head but broken up into septs. 'O'Flaharty is *Toiseach* of the fourteen Ballys of Muintir Fathy, with their correlatives under them.' We have then a list of the hereditary office-bearers of O'Flaherty, which it may be useful to insert as showing that this designation of *Toiseach* was not only applied to the hereditary leaders of tribes, but when coupled with a qualifying word designated a hereditary officer; thus Mac Gillagannain of Moyleaslainn is *Toiseach scuir*, or Master of the Horse to O'Flaherty. The O'Colgam of Bally Colgan are standard-bearers (*go m-brataigh*) of O'Flaherty. Mac-

[32] *Customs of the Hy Many*, Preface, p. 19.

Ginnain is the *Comharba* of Kilcoona. O'Maelampaill of Donaghpatraic is the *Brehon* or judge of O'Flaherty. O'Cleircin of Rathbuidbh, O'Laibacain, and O'Maoilin, are the *Erenachs* of Cillbile. The O'Dubains are the attendants (*Lucht Comhideachta*) of O'Flaherty at his common house. The MacKilkellys are the Ollamhs of O'Flaherty in history and poetry, and for this they have three half Ballys. O'Domnall of Ardratha is the *Toiseach Comoil*, or Master of the Feast of O'Flaherty, with his own correlatives under him—viz., O'Daigean of Ardfintain, who was O'Domhnall's steward (*Reachtaire*), and O'Chichearan of Lis-chicheran, and O'Conlachtna of Ballyconlachtna, are the *Beachadoir*, or beekeepers, of O'Flaherty. O'Murgaile of Muinne-inradain is the high steward (*Ardreachtaire*) of O'Flaherty.'[33] The king of Connaught, the head of the O'Connors, had similar officers; for we are told by O'Ferrall, in his Book of Pedigrees, under the O'Conor family, 'that the king of Connaught kept twelve prince officers of the chief families of his country in his court, attending his person as his council, and to rule and govern as well his household as to manage the affairs of his kingdom in war and peace, and were called in Irish *Taoisigh na Cruachan*, or Toiseachs of Cruachan, the royal residence, which officers were hereditary from father to son. These chief lords had from the king certain subsidies for their services.'[34]

These are given in detail in an ancient tract among the Stowe MSS. Four of them—viz., O'Flanagan, MacGerachty, O'Finnachty, and O'Maolbrennan—were termed royal *Taoiseachs*, and had each a subsidy of fifty milch cows and fifty sheep at Beltane, and fifty heifers and fifty pigs at Samheinn, as well as a domain of forty-eight Ballys; and of these officers, O'Flannagain had the high stewardship (*Ardmaoraidacht*),

[33] *Chorographical Description of West Connaught*, p. 368. The beekeepers were important functionaries, as honey supplied at that time the place of sugar.

[34] *Ib.* p. 139.

O'Feorinachtaigh was the Hostiarius or doorkeeper, and O'Maolbrennan was joint steward, and commanded the body-guards. The other eight *Toiseachs* of inferior rank had a domain of twenty-four *Ballys* each, and of these O'Hanly had the guardianship of hostages and prisoners, O'Floinn the stewardship of the horse (*Maoras Each*), O'Flaithbertaigh and O'Maille the command of the fleet, MacDiarmad was high marschal, O'Teige was *Taoiseach Teaghlach* or marshal of the household, and O'Kelly was *Taoiseach Seud* or steward of the jewels.[35]

The province of Ulster likewise presents us with the *Tuath* or tribe, several of which form a larger territory equivalent to the Mortuath. Thus a vast territory, consisting of the two districts of the Route and Glynnes, was granted by James I. in 1603 to the Earl of Tyrone, and was at that time subdivided into sixteen smaller districts termed *Tuoghs* or *Tuaths*, which are recited in the patent. The Route, which was co-extensive with the ancient territory of Dalriada—from which name indeed the modern word Route is a corruption—contained nine *Tuoghs*. These were the *Tuogh* between the Bandy or Bann and the Boys or Bush, containing six parishes; the *Tuogh* of Dunseverick and Ballenatoy; the *Tuogh* of Ballelagh; the *Tuogh* of Loughgill; the *Tuogh* of Ballemoney and Dromart, containing two parishes; the *Tuogh* of Killeoconway (*Coil na g-Connmuigh*), or the wood of O'Conway; the *Tuogh* of Killioquin, or the wood of O'Conn; the *Tuogh* of Killiomorrie, or the wood of O'Murry; and the *Tuogh* of Magheredunagh (*Machaire Dun Eachdach*), or plain of the fort of Eachdach, consisting of the parish now called Dunaghy. The district of the Glynnes consisted of seven baronies, six of which are termed *Tuoghs*. These were the *Tuogh* of Munerie, the *Tuogh* of Carey, the *Tuogh* of Glenmiconogh, the *Tuogh* of the Largie, the *Tuogh* of the Parke, and the *Tuogh*

[35] *Cat. Stowe MSS.* vol. i. p. 168.

of the Larne. The entire acreage of the two districts of the Route and the Glynnes was 333,907 acres, giving an average of 20,869 acres to each.

The names of the tribes which were connected with these *Tuoghs* or *Tuaths* have not been preserved, but they are still retained in the district of North Clandeboy, which with South Clandeboy represented the ancient Dalnaraighe or territory of the Picts of Ulster. We find from an inquisition in 1605 that North Clandeboy consisted of twenty subdivisions, thirteen larger and seven smaller; the former are termed *Tuoghs* or *Tuaths*, and are named after the tribes occupying them. These are the *Tuogh* of Clanaghartie, containing the entire parish of Kilconriola and part of Ahoghill, and the *Tuogh* of Muntir Callie (*Muintir Ceallaigh*), or the tribe of Kelly, containing the rest of Ahoghill parish. These two together formed the barony of Lower Toome, and contained 36,000 acres. The *Tuogh* of Muntir Rividy, and the *Tuogh na Fuigh*. These two formed the barony of Upper Toome, and contained 64,000 acres. The *Tuogh* of Muntir Murigan (*Muintir Mhuireagan*), or the tribe of Murrigan. The *Tuogh na Keart*. The *Tuogh* of Moylinny, which is co-extensive with the barony of Upper Antrim, and contained 36,000 acres. The *Tuogh* of Killelagh. The *Tuogh* of Magherymorne, the *Tuogh* of Braden Iland, and the *Tuogh* of Ballinlyny. These three formed the barony of Lower Belfast, and contain 56,000 acres. The *Tuogh Cinament*, containing part of the parish of Shankill, and the *Tuogh* of the Fall, containing the rest of Shankill and the parish of Drumbeg.[36]

We have then a very instructive account of the counties of Monaghan and Fermanagh in a letter addressed by Sir John Davis, Attorney-General of Ireland, to the Earl of Salisbury in the year 1606. He states that Monaghan, otherwise called M'Mahon's country, 'was divided into

[36] Reeves, *Arch. of Down and Connor*, pp. 330, 345.

five baronies, viz., Dartry, Monaghan, Cremorne, Trough, and Donamayne; that these five baronies contain an hundred Ballybetaghs, viz., Dartrey 21, Monaghan 21, Cremorne 22, Trough 15, and Donamayne 21.' These obviously represent *Tuaths*, four being about two-thirds, and the fifth the half of a *Triocha Ceud*. He then proceeds to tell us 'that every *Ballibetagh* (which signifieth in the Irish tongue a town able to maintain hospitality) containeth 16 *taths*, each *tath* containeth 60 English acres or thereabout; so as every *Ballibetagh* containeth 960 acres, the extent of the whole containing 100 *Ballibetaghs* is 96,000 acres, besides the church lands.' This territory having been forfeited to the Crown, four of the baronies were thus regranted to the M'Mahons. 'In the Dartrey five *Ballibetaghs* were granted in demesne to Bryan McHugh Oge McMahon, then reputed chief of his name, and the heirs-male of his body, rendering £30 rent, viz., £6 for each *Ballibetagh*; the other 16 *Ballibetaghs* were divided among the ancient inhabitants of that barony, some having a greater portion allotted and some a less; howbeit every one did render a yearly rent of 20s. out of every *tath*, whereof 12s. 6d. was granted to Bryan McHugh Oge McMahon as a chief rent in lieu of all other duties, and 7s. 6d. was reserved to the Crown; which plot was observed in every of the other baronies, so as out of every *Ballibetagh* containing 16 *taths* the lord had £10 and the king £6. In Monaghan, Ross Bane McMahon had likewise five *Ballibetaghs* granted unto him, with the like estate, rendering to the queen £30 rent, and the like chief rent out of nine *Ballybetaghs* more, and in the same barony Patrick McArt Moyle had three *Ballybetaghs* allotted unto him with the like estate, rendering £18 rent to the queen, and the like chief rent out of the other four.

'In Cremorne, Ever McColla McMahon had five *Ballybetaghs* in demesne granted unto him, and the heirs-male of

his body, rendering £30 rent to the Crown, and the like chief rent out of twelve other *Ballybetaghs*; and in the same barony one Patrick Duffe McColla McMahon had two *Ballybetaghs* and a half assigned to him in demesne, rendering £15 rent, and the like chief rent out of two other *Ballybetaghs* and a half.

'In the *Tuough*, containing only fifteen *Ballybetaghs*, Patrick McKenna had three *Ballybetaghs* and twelve *taths* in demesne, given unto him, with the like estate, rendering £22 rent as aforesaid, and the like chief rent out of seven other *Ballybetaghs*; and in the same barony one Bryan Oge McMahowne, brother to Hugh Roe, had the like estate granted unto him in three *Ballybetaghs*, rendering £18 rent in like manner, and the like chief rent out of two other *Ballybetaghs*.'

These grants no doubt reflect the ancient occupation of the district, the various returns in kind and in service being commuted for a money payment, and the holdings being made direct from the Crown, part of each barony being held in demesne by the chiefs, and the rest by what Sir John calls the inferior inhabitants, who had, he says, likewise 'their demesne and rents allotted to them, and their several portions of land granted unto them and to their heirs.' Besides these temporal lands there were, he says, 'the spiritual lands, which the Irish call *Termons*, which were granted to sundry servitors rendering 10s. to the Crown for every *tath*; which out of all the church lands amounted to £70 per annum or thereabouts,' that is, to 140 *taths*, equal to about nine *Ballybetaghs*.

From the return with regard to the county of Fermanagh we obtain similar information, with some additional particulars deserving of notice. 'For the lands of inheritance in Fermanagh,' otherwise called Maguire's Country, he says, 'they stood not in the same terms as the lands in Monaghan. For the signorie or chiefry and the demesne lands, that were the

inheritance of MacGuire himself, were reduced and vested in the Crown.' . . . . But forasmuch as the greatest part of the inhabitants of that country did claim to be freeholders of their several possessions, who, surviving the late rebellion, had never been attainted, so as we could not clearly entitle the Crown to their land;' and he adds, that 'they held the same not according to the course of common law but by the custom of tanistry, whereby the eldest of every sept claimed a chiefry over the rest, and the inferior sort divided their possessions after the manner of gavelkind.' Sir John tells us that, 'First we thought it meet to distinguish the possessions, next to inquire of the particular possessors thereof. Touching the possessions,' he says, 'we found Fermanagh to be divided into seven baronies, viz., Magheryboy, Clanawley, Clankelly, Maghery, Stephanagh, Tirkennedy, Knockrinie. and Lough Lurgh. Every of these baronies contains seven *Ballybetaghs* and a half of land, chargeable with McGuire's rent, and other contributions of the country. Every *Ballybetagh* is divided into four quarters of land, and every quarter into four *taths*, so as a *Ballybetagh* containeth sixteen *taths*, as it doth in Monaghan, but the measure of this country is far larger; besides the freeland, whereof there is good quantity in every barony, is no parcel of the seven *Ballybetaghs* and a half, whereof the barony is said to consist. For these reasons Fermanagh, containing but fifty-one *Ballybetaghs* and a half of chargeable lands, is well-nigh as large an extent as Monaghan, which hath in it an hundred *Ballybetaghs*.'

'Touching the freeland we found them,' he says, 'to be of three kinds—

'1. Church land or *termon* lands, as the Irish call it.

'2. The mensal land of McGuire.

'3. Land given to certain septs privileged among the Irish, viz., the lands of the chroniclers, rimers, and gallo-glasses.

'The Church land was either monastery land, *Corbe* land, or *Erenach's* land. The monastery land lay in the barony of Clanawley, and did not exceed two *Ballybetaghs*, but the lands belonging to the *Corbes* and *Erenachs* are of far greater quantity, and are found in every barony. They told me,' he adds, 'that the word *Termon* doth signify in the Irish tongue a liberty or freedom, and that all church lands whatsoever are called *termon* lands by the Irish, because they were ever free from all impositions and cuttings of the temporal lords, and had the privilege of sanctuary.'

McGuire's mensal lands, he tells us, were 'free from all common charges and contributions of the country, because they yielded a large proportion of butter and meal and other provisions for McGuire's table, 'and that though lying in several baronies did not in quantity exceed four *Ballybetaghs*, the greatest thereof being in the possession of one M'Manus and his sept.' The certainties of the duties or provisions yielded unto McGuire out of these mensal lands were set forth in an old parchment roll in the hands of one O'Brislan, a chronicler and principal *Brehon* of that country. It was not very large, but was written on both sides in a fair Irish character, and contained not only 'the certainty of McGuire's mensal duties, but also the particular rents and other services which were answered to McGuire out of every part of the country.' 'Besides these mensals,' he adds, 'McGuire had two hundred and forty beeves or thereabouts yearly paid unto him out of the seven baronies, and about his castle at Iniskillen he had almost a *Ballybetagh* of land, which he manured with his own churles. And this was McGuire's whole estate in certainty, for in right he had no more, and in time of peace did exact no more. In time of war he made himself owner of all, cutting what he listed, and imposing as many *bonachts* or hired soldiers upon them as he had occasion to use. Concerning the free land of the third kind—viz., such land as is

possessed by the Irish officers of this country, viz., chroniclers, galloglasses, and rimers—the entire quantities if it were laid down together, as it is scattered in sundry baronies, doth well-nigh make two *Ballybetaghs* and no more.'[37]

This presents us with a graphic enough account of the state of the Irish tribe as it existed at the time Sir John Davis wrote; and we may supplement what he says as to the position of the *Termon* or Church lands, and their freedom from the burdens to which the other lands were subject, by two charters preserved in the Book of Kells. The first is a grant by Conchobhar O'Maelsechlann, king of Meath, in the eleventh century, by which he gave Kildelga with its territory and lands to God and to Columkille for ever, free of all claim for *Cis* or rent, *Cobach* or tribute, *Fecht* and *Sluaged* or expedition and hosting, and *Coinnim* from king or *Toiseach*, and the precise signification of *Coinnim* appears from the second charter granted in the succeeding century, by which the freedom of Ardbreacain was granted by Muirchertach O'Lochlainn, king of Ireland, Diarmaid O'Maelsechlann, king of Meath, and Aedh Mac Cu-Uladh, king of Laeghaire. The people of Laeghaire had a certain tribute on the Church, viz., one night's *Coinnmeda* every quarter of a year. O'Lochlain, king of Ireland, and O'Maelsechlann, king of Meath, induced the king of Laeghaire to sell this night's *Coinnmeda* for three ounces of gold. The Church, therefore, with its territory and lands, is free for two reasons, viz., on account of the general freedom of all churches, and on account of this purchase.'[38]

We thus see that the leading features of the Irish tribes, as we have gathered them in the ancient laws, can to a great extent be recognised in the state of the native population of the country, as we find it presented to us at a later period in four of her great provinces.

[37] Letter of Sir John Davis, *Coll. de Rebus Hibernicis*, vol. i. pp. 140, 152.

[38] Book of Kells, *Irish Arch. Misc.*, vol. i. pp. 139, 143.

CHAPTER V.

THE FINÉ OR SEPT IN IRELAND, AND THE TRIBE IN WALES.

Origin of the *Finé* or Sept.

AMONG the changes produced in the social organisation of the tribe by external influence and internal progress, not the least striking was the gradual development within it of the *Finé* or septs. Though the word *Finé* is undoubtedly used for the whole confraternity of the members of the tribe, viewed as a community united together by a supposed common origin, yet, in its strict technical sense, it was applied to those divisions of the tribe which may be called septs or clans.

As soon as the superior advance of some members of the tribe over the others in wealth and importance produced a relation of superior and dependant by the latter becoming *Ceile* or tenants of the former, while their possessions became hereditary in their families, the germ of the *Finé* or sept was formed. When the *Boaire*, or cow-lord, was led by wealth in cattle to give over the excess of his stock to other members of the tribe, who became his *Ceile* or dependants, a *Finé* in its most restricted sense was formed, and the *Aire Coisring*, as he was called, became also the *Aire Finé*, or head of an inferior sept.[1]

The *Cinél* or kinsfolk.

The acquisition of part of the tribe land as the absolute property of individuals, and their advance as wealthy land as well as cattle owners, led to its further development. The *Aire* who owned an estate in land which raised him to the position of a *Flath* or chief, and was enabled to transmit it to his descendants, led to the settlement of his family and

[1] *Ancient Laws of Ireland*, vol. iv. p. 349.

kinsfolk on the land. He was not considered as fully entitled to the privileges of a territorial lord unless his father and grandfather had likewise been an *Aire*; and when three generations had thus been settled on the land, the offshoots of these generations formed a group consisting of the nearest agnates of the chief, which would increase in number as the generations went on. These were the *Ciné*, or kinsfolk of the head of the tribe, and to them were added those freemen of the tribe who claimed a common origin with them, and who placed themselves under the chief as his *Ceile* or dependants.

The *Ceile* or tenants.

The same causes which operated in the feudal system to lead the odal proprietors to commend themselves to an overlord as his vassals, and gradually extinguished the more ancient class of independent landholders, tended likewise in the Irish tribal system to absorb the original freemen of the tribe in the class of the *Ceile* or dependants of the chief, and thus to add to his following and to form a constituent part of the *Finé* or sept.

With the *Saor Ceile*, or free dependants, the basis was a mutual contract for a fixed period usually of seven years, by which the *Flath* or chief gave a portion of stock proportionate to the food-rent he was to receive in return, and was entitled along with this to the homage of the tenant during the subsistence of the contract, and to a certain amount of service in the erection of a *Dun* or fort, the reaping of his harvest, and the *Sluaged* or hosting; but the contract could be terminated and the parties to it return to their original relation to each other, either by the *Ceile* or tenant returning the stock he had received, or by the *Flath* reclaiming it. A more permanent connection was formed between him and the *Daor Ceile* or bond tenant. Here the *Ceile* placed himself formally under the protection of the *Flath* as his permanent follower, and this relation was formed by his receiving a certain number of *Seds* or cows, by way of subsidy or gift from the superior, and

paying him a certain tribute termed *Sed Taurclothe*, or returnable *Seds*, as the price of his protection. This servitude was termed *Aicillne*, and the amount of the *Seds* was regulated by the Honor price. As soon as this relation was constituted, he received an additional amount of stock in proportion to the food-rent he had to return, in the same manner as in the case of the free *Ceile*.[2] The real distinction probably was, that in the one case the *Ceile* was in a more independent position, and possessed stock of his own as well as a share of the tribe land, besides what he received from the *Flath*. In the other he was dependent upon what he received from the *Flath* for the whole of his stock. When the *Flath* reclaimed his stock from the free *Ceile*, the latter had the option of becoming a bond *Ceile*, if he preferred doing so to returning his stock, and the *Flath* was then bound to add the returnable *Seds* to the stock he had originally given, which constituted the relation between him and the *Ceile* as a permanent dependant. This process, therefore, not only led to the freemen of the tribe being gradually absorbed into the class of the dependants or following of the chief, but placed a powerful weapon in the hands of the latter, by which he could transform his temporary free *Ceile* into permanent and more servile dependants.

The *Fuidhir* or stranger septs.

As the *Flath*, however, increased in wealth and power and his territory extended, he was not satisfied with drawing his dependants from the tribe of which he was himself a member, but added to his followers by settling stranger septs upon his waste lands, and thus still further augmented his power. These stranger septs formed that class termed *Fuidhir*, a name which from its resemblance to the word *feud*, and from the apparent analogy between the position of the *Fuidhir* with

[2] There is an elaborate account of the position of the *Ceile* in the *Ancient Laws*, vol. ii.; but the position of the *Daor Ceile* is shortly and clearly given in Cormac's *Glossary*, voce *Aicillne*, p. 13.

the vassals of the feudal system, has given rise to much speculation. These analogies are, however, more apparent than real, and there is probably no connection whatever beyond casual resemblance between the terminology of the two systems. In the oldest Glossary, that of Cormac, the term is applied to the superior instead of the dependant, and the name *Fuithir* is said to be from *fo thir*, he who gives land (*tir*) to a stranger; but in the Brehon Laws it is applied to those stranger septs settled upon the land, and, like all the dependants, consisted of the two classes of *Saer* and *Daer*, free and bond, according to the temporary or permanent character of the connection. With the exception that they were broken men from stranger tribes instead of members of the same tribe, their connection with the chief presented the same features with that of the native *Ceile*. Of these *Fuidhir* there were said to be seven classes, ranging from those who had land or wealth and became detached from their tribe, to those who fled to the chief of another tribe for protection, and had nothing to give but their labour. The better class, termed *Fuidhir Grian*, obtained possession of a *Rath* consisting of the usual five houses, received stock from the *Flath* similar to that given to the *Ceile*, and had a *Lagenech* or Honor price. These formed subordinate septs or *Finé* under the chief,[3] and we are told that they 'do not bear the liability of relationship unless there be five houses (*Treabba*) to relieve each other. If there be five houses with complete stock, they share the property of the *Finé*' (*Finnteada*), and this is explained in the commentary to mean that 'the *Fuidhir gabla*—that is, the *Fodaor* or natural bondsman (*Daor*)—does not bear the crimes of his relatives unless he has five houses to relieve him, that is, five who have stock consisting of a hundred head of cattle, and unless they belong to one chief. If there be five men of them, each man having

[3] *Ancient Laws*, vol. iv. pp. 39, 287.

a hundred of cattle, every one of them obtains his share of the *dibadh* land of each other, and pays for the crimes of others, like every free native, that is, when they have the five stocks of a hundred cattle and are under one chief.[4] The lower class of *Fuidhir* were of four kinds, termed *grui, gola, gabla,* and *gill de bas,* and consisted of strangers who had lost their land by wars, or fled from having been guilty of bloodshed, and of hostages saved from death. Lower than these again were the *Bothach* or cottiers, likewise divided into the two classes of *Saer* and *Daer* according as they were either small occupiers of land or were prædial slaves, and probably were remains of the oldest population of the land.

Territorial basis of *Finé.*

The formation of the *Finé* or sept had thus a territorial basis, and the possession of the *Deis* or inheritance land, which gave its owner the rank of *Aire,* was also essential to his acquiring the privileges of the chief of a *Finé.* Thus we are told in one of the law tracts that 'there are four *deis* rights prescribed for *flaith* or chiefs. The ancient protection of the *Tuath* is his office in the *Tuath;* the office of *Tuisig* or leader, or *Tanaist Tuisig,* whichever it be, of his *Ceile gialnai* or bond Ceile, his *Saer Ceile,* and his *Sencleithe* or ancient adherents; the punishment of every imperfect service; and the following of *Bothach* or cottiers and *Fuidhir,* whom he brings upon his land, because his wealth is greater and better. If there is service from them to the *Flaith* during nine times nine years, they are *Bothach* and *Fuidhir,* but after that they are ranked as *Sencleithe* or old adherents.'[5]

The *Finé,* as thus constituted, was formed of two distinct classes;—one being members of the same tribe as the *Flath,* and consisted of his own immediate family and relations, and of his *Saor* and *Daor Ceile*; the other of stranger septs and broken men from other tribes, who were settled on the land,

[4] *Ancient Laws,* vol. iii. p. 11; vol. iv. pp. 39, 43. [5] *Ib.* vol. iv. p. 321.

and formed a class of subordinate followers. The basis was a territorial one; but while the authority and privileges of the chief were derived from his *deis*, there was likewise a bond of union between him and the former class, derived from community of blood, and he added to his territorial rights the natural claim to their allegiance arising from his position as a hereditary chief of their *Tuath*, as well as the right to punish imperfect service. The most important of these services on the part of the *Ceile* was the duty of following their chief to war. The Book of Aicill, one of these law tracts, tells us, 'A chief may enforce a *Sloiged* or hosting;' and the commentator explains, 'That is, there is a *smacht* fine, upon a *Daor Ceile* of the *Gradfeine*, that is, of the ranks below the *Aires*, for not going to it, and for coming away from it; double work upon the *Saor Ceile* of the *Grad Feine* for not going to it, and Honor price for coming away from it.' Another and perhaps more ancient tract in the Brehon Laws gives us likewise a view of the *Finé*. There we are told, 'These are the divisions of the *Finé* of each *Flath* or chief. His *Fuidhir*, his *Ciniud* or kinsfolk, his *Gabail fodagniat* (under which name his Ceile are comprised), all of whom go by the name of *Flaith Finé*, or the chief's *Finé* or sept.'[6]

The four families of the *Ciné* or kinsfolk.

That division of the *Finé* which was formed of those of the same tribe as the *Flath* or chief consisted of two distinct elements, the first being the *Ciniud* or near kinsmen of the *Flath*, and the second of those of the tribe who became his dependants and followers. The first, as descended from the original founder of the sept, had hereditary claims upon his land, as well as duties and privileges derived from kin to the chief, while the rights and duties of the latter were founded on contract; and here we come in contact with one of the

[6] *Ancient Laws*, vol. iv. p. 283. The word *Gabail* has retained its technical meaning here in Scotch Gaelic, where it signifies a farm or lease, and *Gabbailtaiche* is a tacksman or superior farmer.

most difficult and obscure features of the *Finé* constitution, viz., that institution by which the duties and the privileges arising from kindred with the chief are limited to an artificial group of seventeen persons, which again was divided into four lesser groups, termed respectively *Geilfiné, Deirbhfiné, Iarfiné,* and *Indfiné.* These formed the *Duthaig Finé,* or the sept in its narrowest sense. The *Geilfiné* consisted of five persons, and each of the others of four, making seventeen in all. Upon these four groups of kinsmen appears, in the first place, to have been imposed a joint responsibility for each member of it. Thus, we find in the Senchus Mor, that 'the four nearest *Finé* bear the crimes of each kinsman of their stock, *Geilfiné* and *Deirbhfiné, Iarfiné* and *Indfiné*';[7] and in a commentary on the Senchus Mor, they are termed 'the four nearest *Finé* or families,' that is, 'because it is four *Finés* that sustain the liabilities of every person that is related to them intimately.'[8] They likewise possessed mutual rights of succession in the *dibad* of the chief, or the land which passed to his kinsfolk. These rights are very elaborately stated in the Book of Aicill, but it is necessary to give them in detail in order to understand the nature of this grouping of the kinsfolk. In answer to the question, 'What is the reciprocal right among *Finé*?' we are told that 'if the *Geilfiné* division become extinct, three-fourths of the *dibad* of the *Geilfiné* shall go to the *Deirbhfiné,* and one-fourth to the *Iarfiné* and the *Indfiné*—viz., three-fourths of the fourth to the *Iarfiné,* and one-fourth of it to the *Indfiné.*

'If the *Deirbhfiné* division has become extinct, three-fourths of its *dibad* goes to the *Geilfiné,* and one-fourth to the *Iarfiné* and *Indfiné*'—that is, three-fourths of the fourth to the *Iarfiné,* and a fourth of it to the *Indfiné.*

'If the *Iarfiné* division has become extinct, three-fourths of its *dibad* shall go to the *Deirbhfiné,* and one-fourth of it to

[7] *Ancient Laws,* vol. i. p. 261.

[8] *Ibid.* vol. i. p. 275.

the *Geilfiné* and *Indfiné*—that is, three-fourths of the fourth to the *Geilfiné*, and one-fourth of it to the *Indfiné*.

'If the *Indfiné* has become extinct, three-fourths of its *dibad* shall go to the *Iarfiné*, and one-fourth of it to the *Geilfiné* and *Deirbhfiné*—that is, three-fourths of the fourth to the *Deirbhfiné*, and one-fourth of it to the *Geilfiné*.

'If the *Geilfiné* and *Deirbhfiné* both become extinct, three-fourths of their *dibad* shall go to the *Iarfiné*, and one-fourth to the *Indfiné*.

'If the *Indfiné* and *Iarfiné* both become extinct, three-fourths of their *dibad* shall go to the *Deirbhfiné*, and one-fourth to the *Geilfiné*.

'If the *Deirbhfiné* and *Iarfiné* have both become extinct, three-fourths of their *dibad* shall go to the *Geilfiné*, and one-fourth to the *Indfiné*.

'If the *Geilfiné* and *Indfiné* have both become extinct, three-fourths of the *dibad* of the *Geilfiné* shall go to the *Deirbhfiné*, and one-fourth of it to the *Iarfiné*; three-fourths of the *dibad* of the *Indfiné* shall go to the *Iarfiné*, and one-fourth to the *Deirbhfiné*.'

This seems to exhaust all possible combinations, and some provisions follow which are not very easily understood; but when it is added, 'And the whole number of the seventeen men are then forthcoming, and if they be not, there shall be no partition, but the nearest of kin shall take it,' the meaning seems to be that the group of seventeen persons must be made up in each case, but if that cannot be done, there is no partition of the *dibad* to the person nearest in degree to the extinct family.

We are also told that 'the *Geilfiné* is the youngest and the *Indfiné* the oldest,' and that 'if one person has come up into the *Geilfiné* so as to make it excessive, that is, more than five persons, a man must go out of it up into the *Deirbhfiné*, and a man is to pass from one *Finé* into the

other up as far as the *Indfiné*, and a man is to pass from that into the *Duthaig n-Daine* or community.'[9]

It is exceedingly difficult to form anything like a clear conception of the true nature of what appears to be so highly artificial an arrangement, and it is probable that if it ever really existed in its entirety, it must soon have broken down under the various modifications which the natural progress of society brought to bear upon the community. So far as we can gather, there seems undoubtedly to have been the tie of kindred among themselves, and between them and the chief; and a portion of the territory of the *Flath* appears to have been assigned to them under the name of *dibad*, the portion occupied by each group being possessed in common by its members, so that it was only when the subordinate groups became extinct that a redistribution of it took place.

Members of the four families.

Of what members of the *Finé*, then, did each of these groups really consist? There seems to be no doubt as to the number which formed the members of each. The *Geilfiné* consisted of five persons only, who were nearest of kin to the chief, but these might be found either in the descending or ascending line, or were, in the strictest sense of the term, collateral. The descending line was termed *Belfiné*, and the *Geilfiné* consisted of the father, the son, the grandson, the great-grandson, and the great-great-grandson, to the fifth generation. The ascending line was termed *Culfiné*, or back family, and we are told that, viewed in this connection, the *Geilfiné* consisted of the father's brother, and his son, to the fifth generation.[10] The collateral relationship was termed *Taobhfiné*, or side family; and, according to Mr. O'Donovan and the authorities he refers to, the *Geilfiné* is defined as 'the first or direct family; the father and his two sons, and two grandsons; collateral tribe.' The *Deirbhfiné* as 'the second tribe; the next in point of dignity to the *Geilfiné*;

[9] *Ancient Laws of Ireland*, vol. iii. pp. 330-35. [10] *Ibid.* vol. ii. p. 163.

the two grandsons and their two sons.' The *Iarfiné* as 'the after family; two sons of grandsons and their sons, making four persons;' and *Indfiné* as 'the fourth and lowest division of a tribe.'[11] He does not define the members of which it consists, but it may be inferred that he held it to consist of the two sons of great-grandsons and their sons, corresponding to the five generations of the Brehon Laws.

The *Geilfiné* chief.

The father, who in each case was the head of the *Geilfiné*, is evidently the person frequently referred to in these Laws as the *Geilfiné* chief, and the other four members of this group were evidently his nearest agnates, according to the position of the family, but the members of the other three groups, as presented to us in these Laws, cannot be viewed as his descendants. The *Deirbhfiné*, *Iarfiné*, and *Indfiné*, were obviously collateral and contemporary with the *Geilfiné*, otherwise it is impossible that they could, on the one hand, have been jointly responsible for a kinsman, or, on the other, have shared in the succession of each as they became extinct; and we can gather from several expressions in the Laws that such was the case. Thus we find in the Senchus Mor the seventeen persons are termed relatives, and are defined in the commentary as 'kinsmen' (*Bleogain*),[12] and these are distinguished as *Tobach*, *Saigi*, and *Bleogain*, or kinsmen in general.[13] In another commentary these terms are thus defined: '*Tobach*, that is, the nearest kinsman, that is, the liability of his son and grandson. *Saigi*, that is, the middle kinsman, that is, the liability of a kinsman as far as seventeen. *Bleogain*, that is, kinsman, that is, the farthest kinsman or *Cin*.'[14] The first obviously refers to the constituent members of the *Geilfiné*; the second to the three other groups; and the third to the remainder of the kin of the chief who did not belong to these artificial groups.

[11] O'Donovan's Supplement to O'Reilly's *Irish Dictionary*.

[12] *Ancient Laws of Ireland*, vol. i. p. 183. [13] *Ib.* p. 259. [14] *Ib.* p. 273.

Again, we are told that 'the tribe property (*Finntiu*) is claimed backwards; it is divided between three *Finé*; an extern branch stops it, if the five persons perish. Except as regards the liability of relationship, if the family become extinct; except a fourth part to the *Findfiné*. From seventeen men out it is decided that they are not a *Duthaig Finé*, or tribe community,' and this is explained in the commentary to mean that 'the hereditary right of the *Geilfiné* group goes backwards to the *Deirbhfiné*, who have their share of it when it is divided among the three *Finé*, that is, the *dibad* land is divided between the three *Finé* groups, viz., the *Deirbhfiné*, the *Iarfiné*, and the *Indfiné*. An extern branch stops it, that is, the branch by which the land is detained is a branch that is hitherto extern to the *Geilfiné*, that is, the *Deirbhfiné*.' The liability of relationship is explained that, 'as they share the *dibad* land, so they shall pay for the crimes of their relatives.' It is added that, 'from the seventeen men out, it is then they are distinguished, so that they are not a *Duthaig Finé* or tribe community, but a *Duthaig n-Daine*, or a community of people.'[15]

From these notices it is apparent that there underlies the formation of these groups the idea of five generations. These were expressed by the terms *Athair*, father, *Mac*, son, *Ua*, grandson, *Earmua*, great-grandson, *Innua*, great-great-grandson, and that each of the four groups was one generation less than the other, the *Geilfiné*, or white family, being the chief's immediate family, including himself;[16] but it must not be supposed that these degrees of relationship implied descent from the same individual, otherwise it would require that the five generations were alive at the same time. The idea rather is that it required five generations from the founder of the *Finé* to complete the group of seventeen persons. Thus his own immediate family, to the number of

[15] *Ancient Laws of Ireland*, vol. iv. p. 43. [16] *Ibid.* p. 286.

four, constituted his *Geilfiné*. Then as each new person was born into the *Geilfiné*, the older member passed into a new group termed *Deirbhfiné*, and this went on till the group extended to nine persons; then, as new members were born to these two, older members passed into another group called *Iarfiné*; and so on, as new generations were added, till the group of *Indfiné* was formed, and the whole number of seventeen was comp eted, the members of each being fathers and sons, and representing the fourth and fifth generations from the common ancestor; and as generations went on, the kin or kinsfolk of the chief passed through the alembic of these four groups and disappeared into the commonalty of the *Finé*, leaving always a residuum of seventeen persons behind them. These relationships, then, meant not descent from the same individual but from the founder of the *Finé*, and expressed the distance of each group from the stem-line of hereditary chiefs, and the degrees of relationship between them and the chief for the time being. This view of the degrees of relationship, as connected with the five generations, seems to be implied in one of the regulations regarding '*Saer* stock tenure.' We are there told that 'if one chief has received stock from another, there shall be no returning of the *Saer* stock without *Seds*, in that case until one heir transmits to another.' 'If it is from the chief next to him he has taken it, it is grandson upon grandson, or great-grandson upon great-grandson, or the son of a great-grandson upon the son of a great-grandson, and the number of degrees which are between the person who gave the stock and the person to whom it is given, is the number of relatives who shall claim the stock without *Seds* of *Saer* stock.'[17]

The *Geilfiné* were thus what was termed youngest cadets; and the *Indfiné*, the oldest cadets, recognised as forming part

[17] *Ancient Laws of Ireland*, vol. ii. p. 269.

of the kin, and as longest separated from the chief, were the most powerful family next to his own.

The following table, in which the succession to the *dibad* land is included, will show this conception of the nature of these groups:—

Common Ancestor, Geilfiné Chief.

Son, Geilfiné Chief. — *Son.*

Grandson, Geilfiné Chief. — *Son.* — *Grandson.*

1. *Geilfiné* chief, when complete.	*Son.*	*Grandson.*	*Great-grandson.*
2, 3. Two sons.	6, 7. Two grandsons.	10, 11. Two great-grandsons.	14, 15. Two great-great-grandsons.
4, 5. Two grandsons.	8, 9. Their two sons.	12, 13. Their two sons.	16, 17. Their two sons.
GEILFINÉ.	DEIRBHFINÉ.	IARFINÉ.	INDFINÉ.
If extinct.	Obtains 3-4ths.	3-4ths of 1-4th.	1-4th of 1-4th.
Obtains 3-4ths.	If extinct.	3-4ths of 1-4th.	1-4th of 1-4th.
3-4ths of 1-4th.	3-4ths.	If extinct.	1-4th of 1-4th.
1-4th of 1-4th.	3-4ths of 1-4th.	3-4ths.	If extinct.
If extinct.	If extinct.	3-4ths of both.	1-4th of both.
1-4th of both.	3-4ths of both.	If extinct.	If extinct.
3-4ths of both.	If extinct.	If extinct.	1-4th of both.
If extinct.	3-4ths of *Geilfiné*. 1-4th of *Indfiné*.	1-4th of *Geilfiné*. 3-4ths of *Indfiné*.	If extinct.

17 men must in this case be made up.

It is hardly possible that so complicated a system should have long remained intact through all the changes produced in the social system of these tribes by the mere course of time; and it probably, at least to some extent, broke down under the growing importance of the family of the oldest cadet, which became more and more independent the longer it was separated from that of the chief, and so would narrow the group which formed his kin; and thus we see that as it became the most powerful family next to his, there came to be alternate election of the king or chief from these two families, the head of the one being always nominated Tanist to the other.

Relation of *Geilfiné* chief to the *Ri Tuath.*

Such being probably the nature of these groups, it becomes necessary to examine their relation to the *Tuath* and that of the *Flath Geilfiné* or *Geilfiné* chief to the *Ri Tuath.* We find in the Senchus Mor the following statement:—'The head of each *Finé,* or the *Ceannfiné,* should be the man of the *Finé* who is the most experienced, the most noble, the most wealthy, the wisest, the most learned, the most powerful to oppose, the most steadfast to sue for profits and for losses.' The two qualities of 'most noble' in race and 'most wealthy' in cattle can only be found united in the *Flath* or chief, and he is expected to possess the rest. We therefore find in the commentary 'the head of each *Finé*' defined to be 'every one who is head chief of the *Geilfiné.*' We are then told that 'every person in a *Tuath* accepts equal stock or subsidy from the *Flath Geilfiné* or *Geilfiné* chief, and the *Flath Geilfiné* accepts stock or subsidy from the *Ri Tuath,* or else every person in the *Tuath* accepts it from the *Ri Tuath,* though it is from him that the *Flath Geilfiné* takes his *Flaithius* or chiefship.'[18] We have here an alternative statement. In the one the members of the tribe take stock from the *Geilfiné* chief, that is, are his

[18] *Ancient Laws of Ireland,* vol. ii. pp. 279, 281.

dependants. In the other they take stock directly from the *Ri Tuath*. These statements represent different states of the tribe; the older state, when the members of the tribe were equal and independent of each other, and the later when they had become dependent upon the *Flath* or chief; but both might exist at the same time, some taking stock from the chief and some from the king. There was this distinction between the chief and the king as regards *Saer* stock tenure, that the connection between the *Flath* and the *Ceile* was based upon contract, and the connection which was freely entered into might be dissolved by either party; but we are told in the *Cain tsaorrthadh* or law of *Saer* stock tenure, 'a man need never accept of *Daer* stock from any other unless he likes it himself, and he need not accept even of *Saer* stock from any but his own king, and he cannot refuse taking *Saer* stock from his own king.' And further, 'he cannot separate from his own king at any time, either while he holds by *Saer* stock tenure or by *Daer* stock tenure.'[19] And in the *Cain Aigillne* or law of *Daer* stock tenure we read, 'The law does not require of a man to accept of *Daer* stock from his own chief or from an extern chief, or from his own king or from an extern king, but the law requires of him to take *Saer* stock from his own king. If he takes *Daer* stock, it should be from his own king.'[20]

This power which the *Ri Tuath* possessed of forcing the members of the tribe to become his dependants in *Saer* stock tenure, and of retaining them permanently, enabled him to increase his dependants to any extent; and besides the *Ceile* whom he thus gathered around him he likewise settled *Fuidhir* or stranger septs upon his waste land in proportion to the extent of his territory and the amount of his wealth. He thus not only occupied the position of *Ri Tuath* or king of the tribe, with all its rights and privileges, but

[19] *Ancient Laws of Ireland*, vol. ii. pp. 209, 211. [20] *Ib.* pp. 223-5.

was likewise the *Flath* or chief of the most powerful sept within it.

The *Flath Geilfiné* or *Geilfiné* chief was likewise the chief of an entire *Finé* or sept. This is implied in a passage in the tract 'Of the judgment of every crime,' where we are told that 'the reason why the crime goes upon the *Deirbhfiné* and the *Iarfiné* before it goes upon the *Flath* or chief, is because it is one chief that is over them, the *Flath Geilfiné*, and he is chief of four *Finés* or groups.' Another passage in the Book of Aicill also shows that he was next in rank and power to the king, for it apportions the fines for injuring the roads of a *Tuath* between the *Ri* or king and the *Flath Geilfiné*, and adds, 'What is the reason that there is more due to the *Ri Tuath* for injuring his principal road than his by-road, and that there is more due to the *Geilfiné* chief for injuring his by-road than his principal road? The reason is, the principal road is more the peculiar property of the *Ri Tuath* than the by-road, and the by-road is more the peculiar property of the *Flath Geilfiné* than the principal road.'[21]

Where then are we to recognise the *Flath Geilfiné* among the *Aires* of a *Tuath* of the *Grad Flath*? The *Geilfiné* chief, as we see, received his stock or subsidy direct from the *Ri Tuath*, but there were only two of the *Aires* who were in this position, and in this respect the *Aires* of a *Tuath* fall into two divisions. The *Aire Desa* and the *Aire Ard* received their stock from a *Flath*, but the *Aire Tuise* and the *Aire Forgaill* from the *Ri Tuath* direct, and it is in this latter division we have to look for the *Flath Geilfiné*. The *Aire Forgaill* was the highest grade of the *Aires*, and is said to be so named 'because it is he that testifies (*Fortgella*) to the grades in every case in which denial of a charge is sought, and because his quality is superior to that of his fellows;' while the *Aire Tuise* is said to be so called 'because

[21] *Ancient Laws of Ireland*, vol. iii. p. 309.

his race has precedence,' or, as it may be more literally rendered, 'because he is *Tuisech* or leader from race' (*Toisech a Ciniul*).[22] The former, as the superior of the two, may probably be viewed as the *Flath Geilfiné* or *Geilfiné* chief, and exercised the judicial functions of a chief; while the latter, as the oldest cadet, led the forces of the clan when called out either by the chief or by the king on a *Sluaged* or hosting.

Law of Succession.

Although the position of *Flath* or chief of a sept, as well as that of *Ri Tuath* or head of the whole tribe, was hereditary in the family but elective in the person, there can be little doubt that the senior of the family, as representing the founder of it, was usually elected as entitled to the position, unless disqualified by some defect mental or physical, and this principle is recognised in the tract on Succession, where it is thus laid down:—'The senior with the *Finé* or sept, dignity with the *Flath* or chief, wisdom with the *Eclais* or church;' and this rule is thus illustrated in the commentary: 'Ignorance was set aside for wisdom in the orders of the church. An *Aitech* or tenant of the *Grad Feiné* was set aside for a *Flath* or chief, a junior was set aside for the senior, that is, the person who is junior shall rise or walk out of the kingship or the abbacy or the *Geilfiné* chiefship before the person who is senior.' And again—'Age is rewarded by the *Feiné*, for where there are two *Aires* or lords of the same family who are of equal dignity and property, the senior shall take precedence.' And again—'The senior is entitled to noble election,' but 'if the kings be equally old and good, lots are to be cast between them respecting the kingship, but if one of them is older than the other he shall go into it.' Finally, it is laid down that 'the junior shares and the senior is elected,' and that 'it is according to desert they come into power, and it is according to the goodness of the branch itself and the goodness of the grade also, and the most worthy person of the

[22] *Ancient Laws of Ireland*, vol. iv. pp. 325, 326.

branch shall go into it, that is, the best person of that branch. And the head of all according to the *dera* of the *Finé*, that is, that every one who is a head should be afterwards according to the *Finé*.'

The following commentary on the qualities required in a chief further illustrates the principles on which the selection is made:—'The noblest, that is, in age or in race (*Cenel*). The highest, that is, in grade. The wealthiest, that is, in ploughing and reaping. The shrewdest, that is, in wisdom or in mind. The wisest, that is, in learning. Popular as to compurgation, that is, who has good friends with compurgators, that is, good friends outside the territory adhering to him. The most powerful to sue, that is, to prosecute for each of them. The most firm to sue for profits, that is, of the *dibad* property. And losses, that is, liabilities.' Finally, 'the body of each is his *Finé*, that is, the body of each person who is head is his *Finé*. There is no body without a head, that is, of themselves, over them, according to law.'[23] It was the operation of this rule that led to brothers being preferred to sons, and when there was alternate succession the collateral in the same degree was preferred to the son of his predecessor, as being one degree nearer to the common ancestor.

Sluaged or hosting.

The regulations for compelling attendance upon the *Sluaged* or hosting still further illustrate the relations between the king and the chief of a sept. They are contained in the Book of Aicill, and are as follows:—'If a man of the *Grad Flath*, with his *Daer Ceile*, came away from it (that is, the hosting), or if the *Ceile* came away from it, if ordered by the chief, Honor price shall be paid for it, half of which goes to the king of the province and the other half is divided into three parts; one third goes to the king who is nearest the king of the province in upward gradation (that is, the king of a *Mortuath*), one-third to the *Ri Tuath* who is over those

[23] *Ancient Laws of Ireland*, vol. iv. pp. 373, 375.

below, and one-third to the chiefs and intermediate chiefs (*Flathaibh*) who are between them in the middle,' by which latter distinction the two divisions of the *Aires* of the *Grad Flath* are intended.

'If it was a man of the *Grad Flath* and one *Ceile* that came away from it, Honor price is to be paid for it also; and the share which the *Ceile* should pay, if all the *Ceile* had been concerned in it, is what he is to pay now, and the remainder is to be paid by him (that is, the chief), and the same division is made of the half for the king of the province, and the other half is divided into three parts.'

'If it was the *Ceile* themselves that came away from it without the chief's leave, the *Smacht* fine or Honor price, which is due for it, is to be paid by them; one-third of it goes to the king of the province, and one-third to the chief whose *Ceile* came away, and the other third is to be divided into three parts, one-third of which goes to the king of the *Tuath* who is over them, and one third to the chiefs and intermediate chiefs who are in the middle between them;' to which is added, 'Whenever it is *Smacht* fine that is paid, it shall be paid according to the rank of the person who pays it; and whenever Honor price is paid, it shall be paid according to the rank of the person to whom it is paid.'

'What is the reason that there is a greater fine upon the *Grad Flath* for not going to the hosting than upon the *Grad Feiné*? The reason is, The hosting or the Dun-building suffers a greater loss from the absence of the *Grad Flath* than from that of the *Grad Feiné*, and they are more needed, and it is right there should be a greater fine upon them.' 'What is the reason that there is a greater fine imposed upon them for coming away from it than for not going to it? The reason of it is, It is more dangerous for the king to be deserted outside in an enemy's territory, than that they should not go out with him at first.'[24]

[24] *Ancient Laws of Ireland*, vol. iii. pp. 495, 497.

Fosterage.

The tie between the chiefs and their dependants was still further strengthened by the custom of fosterage, by which the children of the upper classes were intrusted to a family belonging to the inferior ranks to be brought up and trained along with their own children. This custom prevailed from an early period among the Irish tribes, but it is obvious that such an institution could only have arisen after the distinction of ranks had been fully organised in the tribe. The influence of early association with the earlier stage in the constitution of the tribe, when its free members were in a state of independence and equality with each other, may have led to their regarding the children under age, and before they had acquired any independent rights and privileges, as occupying no better position, and so created a sentiment that they ought to be trained along with the children of a lower rank, long after the reality which gave rise to the feeling had ceased to exist. Be this as it may, we find the institution in full operation in these Ancient Laws, and the regulations connected with it forming part of the Senchus Mor. According to it there were two kinds of fosterage with the *Finé* which had not been annulled—fosterage for affection, and fosterage for payment. The clothing and the food of the children given to the inferior families to foster is minutely regulated. Those of the children of the *Grad Feiné* were to be black or yellow or grey, and old clothes were to be worn by the sons of an *Ogaire*, and new by the sons of a *Boaire*. The sons of an *Aire desa* were to wear clothes of a different colour every day, and of two different colours on Sunday, and to have both old and new clothes. The sons of the superior chiefs were to wear clothes of two colours every day, both old and new, and new clothes of two colours on Sunday; while the sons of the *Aire Forgill*, the highest of all, and of the king, were to have new coloured clothes at all times, and all embroidered with gold and silver. How far such regulations were ever prac-

tically observed may well be doubted, but those regarding food are probably enough. Porridge[25] was to be given to them all, but the materials of which it is made and the flavouring vary according to the rank of the parents of the children. The sons of the inferior grades are fed to bare sufficiency on porridge made of oatmeal and butter-milk or water taken with salt butter. The sons of chiefs are fed to satiety on porridge made of barley-meal, upon new milk with fresh butter. The sons of kings are fed on porridge made of flour, upon new milk taken with honey. The food of all, however, was alike, till the end of a year or of three years.

The price of the fosterage of the son of an *Ogaire* is three *Seds* or three *Samhaises*, that is, three-year-old heifers; and for his daughter four *Seds*, a *Sed* in addition being given for the daughter, because the household arrangements for her accommodation are more extensive than for the sons. This was the lowest price given, and the *Fer Midbuid*, or man of the humblest rank, could not perform the fosterage for less. The boys were to be taught the herding of lambs, calves, kids, and young pigs, and kiln-drying, combing, and wood-cutting; and the daughters the use of the quern, the kneading-trough, and the sieve. The price of the fosterage of the son of a *Boaire* was five *Seds*, or three cows. The price of the fosterage of the son of an *Aire* was ten *Seds*, and instruction in the usual sciences is given him; that is, the sons were taught horsemanship, *brann*-playing, shooting, chess-playing, and swimming; and the daughters sewing and cutting-out, and embroidery. The price of the fosterage of the son of a king was thirty *Seds*, and the foster-sons were to have horses in time of races, and the foster-father was bound to teach them horsemanship.

[25] The word *Lite* is translated in the Brehon Laws 'stirabout,' but this is a term unknown out of Ireland, and the Scotch correlative 'porridge' has been substituted.

The relationship thus formed was considered most friendly, and was connected with the *Geilfiné* relationship, but the passage which states it is so obscure that it is difficult to attach a definite meaning to it. The children remained with the foster-father till the boys were seventeen and the girls fourteen. The age of the boys was divided into three periods. The first extended till he was seven years old; the second from seven to twelve years, and the third till he was seventeen. During the first period the foster-father might punish him for faults with castigation, and during the second with castigation without food, but for his first fault there were to be three threatenings without castigation, and after the age of twelve he had to make compensation in the usual way, with regard to which there are many minute regulations. On the termination of the fosterage the foster-father returned the children with a parting gift, which was regulated according to the Honor price; and in return, the foster-son was bound to maintain his foster-father in sickness or old age, in the same manner as he would maintain his own father and mother.

Such were the leading features of the system of fosterage as presented to us in the Senchus Mor.[26]

Later state of the *Finés.*

The ancient topographical descriptions of some of the territories in the three provinces of Munster, Connaught, and Ulster, which have been printed by the Irish Archæological and Celtic Society, and which have been already referred to as affording illustrations of the tribe system, so far as preserved, likewise indicate the existence of the *Finé* or sept. Thus in the district of *Corca Laidhe* in Munster, which consisted of eight *Tuaths* or tribe territories, in describing the district of *Cuil-Cearnadha,* it is added, 'These are its hereditary tribes (*Fineadha duchusa*), O'Rothlain its *Toiseach,* and Ua Cuinn, Ua Iarnain, and Ua Finain,' three septs.

[26] *Ancient Laws of Ireland,* vol. ii. pp. 147-193.

Again, of the country or *Duthaich* of Gillamichil, which formed a *Tuath*, we are told, 'These were its hereditary leaders (*Oclaich Duthaich*), O'Duibharda, O'Dunlaing, Oh-Ogain, O'Dubhagan,' etc. It is unnecessary to go through the whole of them, or the *Oclaich Duthaich* of the other *Tuaths*, as Mr. O'Donovan adds a note which sufficiently explains their relation to the tribe. He says that these *Oglaich* 'were the petty chiefs, *Kenfinies* or heads of families,' properly septs, 'who held their lands by the same right of descent from the common ancestor as the chief, or rather *Toiseach*, himself; and they were called '*Oglaich*, young heroes, because they were bound to assist him in his wars against his enemies at the heads of their respective clans.'[27]

We have some information, too, regarding the *Finé* or sept in Connaught. Thus in the 'Tribes and Customs of Hy Fiachraich' we read that Fiachra, son of Eochaidh Muighmheadhoin, *Ardri* of Erin, colonised this district, and had a son, Amhalgaidh, from whose son, Fedhlim, sprang the *Cineal Fedhlimidh*, which consisted of 'O Ceallachain, O Caithniadh, Mac Coinin, O Muimhneachain, Mac Fhionain, O Gearadhain, O'Conboirne. These are the *Cineal Fedhlimidh* of Jorrus.' The *Cineal Feidhlimidh* here is the tribe occupying a *Tuath*, and the others are the *Finé* or septs of which it was composed. Then from 'Aongus, son of Amhalgaidh, came the Cineal Aongusa in Hy-Amhalgaidh, viz., O Muireadhaigh, *Taoisig* of the Lagan.' Here we have the *Taoisech* at the head of the *Cineal* or tribe, and then we are told that 'of the descendants of Aongus are the people of *Dun Finne*, or fort of the *Finé*, viz. O Cuinn, MagOdhrain, O Comhdhan, O'Duibhlearga, O Bearga, O Blighe, O Duanma or Duanmaigh;' and these were the *Finé* or septs. Amhalgaidh had other sons by Earca, daughter of Eochaidh, king of Leinster, the eldest of whom was Fergus, and his son Muireadhach

[27] Genealach Corca Laidhe, *Miscellany of the Celtic Society*, pp. 31, 49.

was *Rig Ua n-Amhalgaidh*, or king of Hy-Amhalgaidh. The descendants of this Muireadhach possessed 'the *Triocha Ceud* of Bac and of Gleann Nemthinne, and the half *Triocha Ceud* of Breudach. These are the hereditary tribes (*Fineadhoigh Dudhchusa*) of Bac, viz., O Lachtna, *Taoisioc* of the two Bacs and of the Gleann, and of them O Dubhagain and the Clann Firbisigh, O Maoilruaidh of Ardachaidh, and O'Cuimin of Lios Cuimin on the Muaidh. These are the families or septs (*Fineada*) of Breudach, viz., O Toghda, Taoiseach of Breudach, O Glaimin, O Luachaidh, and O Gilin.'[28] Here we have two groups of *Finé* or septs, with a *Toisech* at the head of each. Lastly, from Aongus Fionn, another son of Amhalgaidh, are O'Gaibhtheachan, O'Flainn, and O'Maoilhiona, chiefs (*Flaithe*) of Calraighe Muighe h-Eleag.

In one of MacFirbis's tracts he deduces the tribes and septs descended from Brian, the son and successor of Eochaidh Muighmeadoin, king of Connaught. He is said to have had twenty-four sons, and from Echean, one of them, descended the *Cinel n-Echean* or tribe of Echean, consisting of the septs of O'Biasta, O'Bli, O'Caisleorach, O'Ruanuidhen, and O'Fionnucain. From Fergus came the *Cinel Fergusa* of Echtge, consisting of the septs of O'Brain, O'Bruachain, O'Conrethe, and O'Cairriodha, *Taoiseachs* of Cinel Fergusa. From Erc Dearg, or the Red, came the *Cinel Deirg* in Connaught; from Esse or Essile came the Tuath Esille; from Aongus are the *Cinel n-Aongusa* of Galway, that is, the O'Hallorans with their branches; from Tenedh the *Corco-Tenedh*, and Muichead, from whom *Corco-Muichead*; from Cana, the O'Cananans in Uaithne; Neachtain, from Tir Neachtain, with their septs (*Fineadhaibh*); two Carbrys, viz., Carbry Conrith, from whom is descended St. Barry of Corc, and Carbry Aircheann, from whom the Hy Briuin Ratha in West Connaught; three Conalls, viz., Conall Oirisin, from

[28] *Genealogies, Tribes, and Customs of Hy Fiachraich*, pp. 6-11.

whom the men of Umalia, Conall Glun, from whom the O'Monahans, *Taoiseachs* of the three *Tuaths*, and Conall Cortaine, from whom the O'Maolduibh; Eochaidh, from whom the Cinel n-Eachach; and Enna Eamalach, from whom Cinel n-Eanna; Duach Galach, the youngest, from whom the kings of Rath Cruachan are descended.'[29]

In the province of Ulster we find, besides the *Tuaths* which formed the subdivisions of the larger districts and were equivalent to the tribe territories, that in some a smaller division is mentioned termed a *Cinement*. Thus in the district of the Glynnes, consisting of seven subdivisions, six are termed *Tuoghs* or *Tuaths*, and one is the '*Cynamond* of Armoy and Raghlin,' containing the parish of Armoy and the island of Rathlin. Again, among the *Tuoghs* in North Clandeboy we find the '*Cinament* of Knockboynabrade;' the '*Cinament* of Duogh Connor,' containing the sixteen towns of Connor; the *Cinament* of Kilmahevet; the *Cinament* of Ballinowre, represented by the modern parish of Ballinowre, and containing 8000 acres; the *Cinament* of Carntall, Monksland, and Carnemony; the *Cinament* of Dirrevolgie, *alias* Fealaogh; and the *Cinament* of Clandermot, containing four Ballys or townlands.[30] This word Cinament is derived from *Cine*, a sept, and *Minand*, a habitation or residence, and these smaller districts were obviously the possessions of septs or *Finés* which had become detached from their tribe, and thus we find the name of the Clan Dermot connected with one of them. Again, we find the Barony of Lower Castlereagh in South Clandeboy consisted of five smaller territories termed Slut Henrickies, Slut Kellies, Slut Hugh Bricks, Slut Bryan Boye, Slut Durnings, and Slut Owen mac Quin, the last two forming one district; but this word *Slut* is the Irish *Sliocht* or sept, and the names are corrupted from *Sliocht*

[29] *Description of West Connaught*, p. 127.
[30] Reeves's *Eccles. Antiquities of Down and Connor*, pp. 332, 345.

Enri Cauich, or the sept of Henry the Blind; *Sliocht Cealbaigh*, or sept of the Kellies; *Sliocht Aodh breac*, or sept of Hugh the Freckled; *Sliocht Briuin buidhe*, or sept of Brian the Yellow; *Sliocht Owen mhic Cuinn*, or sept of Owen son of Conn.[31]

Sir John Davis, in his Letter to the Earl of Salisbury, written about the same time, gives us a very clear account of the position of these septs in the counties of Fermanagh and Cavan. In Fermanagh he derived his information from certain of the clerks or scholars of that country, who knew all the septs and families and their branches, and the dignity of one sept above another, and what families or persons were chief of every sept, and who were next, and who were of third rank, and so forth, till they descended to the most inferior man in all the barony. Moreover, they took upon them to tell 'what quantity of land every man ought to have by the custom of their country, which is of the nature of gavelkind, whereby, as their septs or families did multiply, their possessions have been from time to time divided and subdivided, and broken into so many small parcels as almost every acre of land had a several owner, who termeth himself a lord and his portion of land his country.' 'Notwithstanding, as McGuire himself had a chiefry over all the country, and some demesne that did ever pass to him only who carried that title, so was there a chief of every sept who had certain services, duties, and demesnes that ever passed to the Tanist of that sept, and never was subject to division.' And in his return of the state of the county of Cavan he gives the following general account:—'In the Irish countries, where the custom of Tanistry is not extinguished, the tenures are everywhere alike. There is first a general chieftain of every country or territory, which hath some demesne and some household provisions yielded unto him by all the inhabitants

[31] Reeves's *Down and Connor*, p. 348.

under him; every sept or surname hath a particular chieftain or Tanist, which hath likewise his peculiar demesne and duties, and these possessions go by succession or election, entirely without any division; but all the other lands holden by the inferior inhabitants are partable in course of gavelkind, wherein there is no difference made between legitimate sons and bastards.'[32]

Such, then, being the leading features of the *Tuath* or tribe, and the *Finé* or sept, so far as we can gather them from the Ancient Laws of Ireland, and as we find them exemplified in the later condition of the country, which it is essential for our purpose to indicate, we must now pass over to the mainland of Great Britain, and examine how far we can likewise trace them in the Ancient Laws of its Welsh population; and here we see clearly enough that a tribal system possessing in the main the same characteristics lies at the foundation of their social organisation. It was likewise modified in the main by the same influences, but that of the Church was earlier encountered, and it could hardly escape being affected by another influence to which the Irish tribe was not exposed, viz., that of the Roman institutions during the period when the Welsh population formed a part of the Roman province—an influence, however, which would be more intense in the southern and eastern districts, and more superficial in the mountainous region of the west, and in the frontier districts between the Roman walls, whose Welsh population afterwards formed the kingdom of Strathclyde. The Tribe in Wales.

The Welsh codes which have been preserved are those of Gwynedd or North Wales, and Dyved and Gwent, the west and east divisions of South Wales. Besides these we have some fragments of Commentaries printed under the title of Anomalous Laws, and we have also the advantage of possessing a Latin version of the Laws of Dyved, which gives us the

[32] *Collect. de Reb. Hib.*, vol. i. pp. 164, 169.

equivalent of the Welsh terms in the Latin of the feudal charters. The oldest of these codes are certainly the Laws of Gwynedd or North Wales, and they recognise the influence of the Church as establishing the sanction of marriage, requiring legitimacy in the sons, and introducing a law of primogeniture in the succession to land which did not exist in the Irish system, when it declares, 'An innate *Bon-eddig* is a person who shall be complete as to origin in Wales both by the mother and by the father. The ecclesiastical law says again that no son is to have the patrimony but the eldest born to the father by the married wife.' The rule was not, however, universally accepted, for it is added, 'The law of Howel, however, adjudges it to the youngest son as well as to the oldest.'[33]

These laws present to us the Cymric people, or Welsh population, who still maintained their independence, as in a more advanced stage of organisation than the Irish tribes are exhibited in the Brehon Laws. We find the land divided into *Talaeth*, or provinces, each under its *Brenhin*, or king, similarly to that of Ireland, and all under a *Brenhin penrhaith*, or supreme king; but while we can trace the original function of the king as judge of his people, the position of king had assumed a more modern aspect both as relates to his power and authority, and to his rights in connection with the land. The whole people are termed the *Cenedl y Gymry*, or race of the Cymry, and we can see that the organisation of each province was based upon an earlier tribal system, and that it must have been formed by a confederation of tribes similar to that of the Irish province. Indications of this earlier tribal system appear to be contained in 'The Heads of the Social State' attributed to Dyvnwal Moelmud, a mythic king. These tribes appear as *Llwylh a Cenedl*. We find also the same distinction of the people into bond

[33] *Ancient Laws of Wales*, p. 86.

and free, *Caithion* and *Rydyon*, the Latin equivalents of which were *Nativi* and *Liberi*, the latter alone representing the ancient free members of the tribe. These are termed in the Laws *Boneddic Cancwynawl*. They were pure Cymri both by father and mother, and the Latin equivalent was *nobilis ingenuus*. The head of the tribe was the *Pencenedl*, or *prefectus generis*, who is still recognised as a functionary in these Laws. According to the Triads of the Social State, the *Pencenedl* must be the oldest in the *Cenedl* so far as the ninth degree of kindred, who is in full strength of body and mind. The same process which in the case of the Irish tribe had created a class of territorial lords or *Flaith*, no doubt gave rise to the similar class whom we find fully developed in the Welsh law. These were the *Uchelwyr* or *Breyr*, sometimes termed *Mab Uchelwyr*, just as the Irish Flaith appear as *Mac Oclaich*, and their Latin equivalent was *Optimates*. When a family succeeded in retaining possession of the same portion of land for a certain period, they were recognised as proprietors of it, and entered the class of territorial lords. Thus in the Laws of Gwynedd, 'Whosoever shall claim land and soil by kin and descent, let him show his kin and descent from the stock from whence he is derived; and if he be a fourth man, he is a proprietor because a fourth man becomes a proprietor;' and in the Laws of Gwent, 'a *dadenhudd* is the tilling by a person of land tilled by his father before him. In the fourth degree a person becomes a proprietor,—his father, his grandfather, his great-grandfather, and himself the fourth.'[34] The servile class consisted of two kinds. First, those of native race termed *Taeog* or *Villanus*, and the *Caeth* or prædial serf. The former class was analogous to the *Daer Ceile* or bond tenants, and the latter to the *Sencleithe* of the Irish.

Besides the occupiers of the soil, who were native mem-

[34] *Ancient Laws of Wales*, pp. 84, 268.

bers of the tribe, there was a class of foreign settlers analogous to the *Fuidhir* of the Irish, who were termed *Alltudion* or strangers, and were settled on the waste lands.

The land which formed originally the common property of the tribe now appears as consisting of the *Tir Gwelyawg* or inheritance land, similar to the Irish *Orba*. Part was held in demesne and cultivated by the *Alltudion* or stranger villains, and the *Caethion*, or prædial serfs; and part occupied by the *Taeog*, or native members of the tribe, who had become his tenants. There was also the *Tir Bwrdd* or mensal land, and the *Tir Cylladus* or geldable land, also termed *Tir Cyfrif* or register land, which was divided among the *Aillt* or native members of the tribe.[35] The mode in which the land was occupied will, however, be better understood in connection with the system of land measurement which appears in these laws.

It is thus given in the Laws of Gwynedd. The smallest denomination of land was the *Erw* or acre. It was a ridge of land. The measure was what was termed the long yoke of sixteen feet, the breadth consisted of two yokes, and the length was thirty times its breadth. It thus contained 3413 square yards, that is, somewhat less than three-fourths of an imperial acre. The basis of this system is the number four. Four of these *Erws* formed a *Tyddyn* or man's house, that is, the homestead of a single family, and four *Tyddyns* made a *Randir* or division of land. Four *Randirs* formed a *Gavael*, and four *Gavaels* the *Tref* or townland. Four *Trefs* made a *Maenawl*. Twelve *Maenawls* and two *Trefs* formed a *Cymwd*, and two *Cymwds* a *Cantrev*, so called because it thus contained one hundred *Trefs*. The *Cymwd*, however, appears to be the true unit in this system, for we are told that the two *Trefs* which it contained, besides the twelve *Maenawls*, were for the use of the *Brenin* or king.

[35] *Ancient Laws of Wales*, 82, 5, 6; 697, 5.

One was his *Maertrev* land, and the other for his waste and summer pasture. There were thus, we are told, four legal *Erws* of tillage in every *Tyddyn*; sixteen in every *Randir*; sixty-four in every *Gavael*; two hundred and fifty-six in the *Tref*; one thousand and twenty-four in every *Maenawl*; twelve thousand two hundred and eighty-eight in the twelve *Maenawls*. In the two *Trefs* which pertain to the court are to be five hundred and twelve *Erws*; the whole of that, when summed up, is twelve thousand and eight hundred *Erws* in the *Cymwd*,[36] or about 9600 imperial acres.

The *Tref* thus, in the main, corresponds to the *Ballyboe* or ploughgate of the Irish system, and the fifty *Trefs* of the *Cymwd* were thus distributed among the people. Sixteen *Trefs* formed the *Tir Cyfrif* or register land, occupied by the *Bonedic* or free members of the tribe. Eight *Trefs*, or two *Maenawls*, were assigned to the *Cynghellawr* and the *Maer* who represented the king in the Cymwd, and divided the register land among the people. Twenty-four *Trefs*, or six *Maenawls*, were the *Tir Gwelyawg* or inheritance land, possessed by the free *Uchelwyr*; and the two *Trefs* which remained over were the king's *Tir Bwrdd* or mensal land. Under the *Uchelwyr* there was a similar distribution of land, and it is obvious that what was originally the common land of the tribe, had now come to be viewed as the property of the king; and the *Bonedic*, or original free occupiers of the land, now appear as the king's *Aillts*. Though, like the Irish *Ceile*, they came to occupy a dependent position in relation to the superior, their original mode of occupation of the soil remained unchanged, and the *Maer* and *Cynghellawr* are directed to share this land equally between all in the *Tref* or township, and on

[36] *Ancient Laws of Wales*, pp. 96, 97. It is not quite clear whether the length of an *Erw* is thirty times its breadth, or thirty times the long yoke. In the latter case the *Erw* would contain only 1706 square yards, or rather more than the third of an acre.

that account it is called *Tir Cyfrif* or register land. On the other hand, the sons succeeded equally to the *Tir Gwelyawg* or inheritance land, and if they failed, it went to their first and second cousins, after whom there was no further division, a succession very similar to the Irish Gavelcine.

This system of land-measures was not, however, uniform, for we are told that Bleddyn, a prince of Gwynedd and Powis, altered the size of the *Tyddyn* or smallest holding from four *Erws* to twelve *Erws* when held by an *Uchelwr*, eight *Erws* when held by an *Aillt*, and four when held by a *Godaeog* or superior *Taeog*,[37] and in the Laws of Dyved we find a still greater variety. In these laws the *Tref* or township in the free manors is to consist of four *Randirs*, instead of sixteen as in the Laws of Gwynedd, and the *Randir* is to contain three hundred and twelve *Erws*, 'so that the owner may have in the three hundred *Erws* arable pasture and fuel wood and space for buildings on the twelve *Erws*.' The *Erw*, however, is smaller than that in the Laws of Gwynedd, for while it is of the same breadth, viz., the long yoke of sixteen feet, it is only sixteen times as long in place of thirty. Again, in place of the *Maenawl* containing a uniform quantity of four *Trefs*, the lowland *Maenawl*, where the land is more fertile, is to consist of seven *Trefs*, and the upland *Maenawl* thirteen.[38] The land-measures as given in the Code of Gwent are very similar, but with some variations. There is the same direction that there are to be four *Randirs* in the *Tref*, and three hundred and twelve *Erws* in the *Randir*, but the *Erw* contains eighteen rods of eighteen feet in place of sixteen yokes in the length, and there are to be thirteen *Trefs* in every *Maenawl*, except those of the *Taeog Trefs*, which contain only seven. Of the four *Randirs* in the free *Tref* three are for occupancy and the fourth pasturage for the three; but in

[37] *Ancient Laws of Wales*, p. 81. [38] *Ib.*, p. 263.

the *Taeog Tref* there are only three *Randirs*, the third being pasturage for the other two.[39]

The original rights of the free members of the tribe, on which their possession of the register land is based, are thus defined in the Triads of the Social State :—'There are three original rights of every native Welshman (*Cymro Cynwhynawl*, —first, the possession, without restriction, of five *Erws* of land; second, a right of determining the constitutional law of the country under protection and in right of the *Pencenedl*; and third, a right to the freedom of the country in general, that is to say, that he be free to go whither he will without loss of privilege or verdict, unless when in actual service of the country, or of a court of law.'[40]

The burdens upon the land and its possessors were as follows:—The sixteen *Trefs* in the *Cymwd* possessed by the *Aillt* paid a rent in kind, termed *Dawnbwyd*, which was similar to the *Biatad* or food-rent of the Irish system, and were subject to the *Cylch* and *Dovraith* of the superior, or refection and quartering, equivalent to the *Conmedha* or *Coigny* of the Irish. From the *Trefs* possessed by the *Uchelwyr*, and the two manors belonging to the *Maer* and *Cynghellawr*, the king received a *Gwestva* or food-rent, which corresponds to the *Bestighi* or food-rent of the house paid by every rank in the Irish tribe to the *Ri Tuath*; but in the Welsh system the payment in kind was, in part, commuted for a money payment, and we find no trace of the subsidy or gift of stock by the superior, in proportion to the return in the shape of food-rent, which characterises the whole relations of the different grades in the Irish tribe to each other.[41]

Besides these regular burdens, there were two that may be termed casual. These were the *Ebidiw* or relief, payable

[39] *Ancient Laws of Wales*, p. 375.
[40] *Myvyrian Arch.*, vol. iii. p. 298, No. 80. [41] *Ib.*, pp. 88, 96, 573.

to the superior by the heir of a defunct vassal; and secondly, the *Amobr*, *Gobr Merch*, or maiden fee, that is, a fee paid to the superior by the person subject to that payment on the marriage of a daughter. By the Welsh laws the *Amobyrs* of the daughters are said to be of equal amount with the *Ebidiws* of their fathers, and there were three *Ebidiws*—an *Ebidiw* of a pound, an *Ebidiw* of six score pence, and an *Ebidiw* of three score pence. The first was paid by the principal officers of the palace—by the *Pencenedl* and by the officers of the country, the *Maer* and the *Cynghellawr*. The second by the superior officers, the *Uchelwr* or *Breyr*, and the *Gwahalaeth* or son of a lord; and the third by the king's *Taeog*, an *Arddelwman* and an *Alltud* whom the king has enfranchised.[42]

Fines for Slaughter.

Another important feature of the Irish tribe system is exactly reflected in the Welsh laws. The compensation for every injury, from the slaughter of a member of the tribe to the smallest loss, was by fines based upon a value or price put upon each person according to his position as regards rank and wealth. The fines are the *Galanas* for slaughter, equivalent to the *Eric* of the Irish; the *Saraad*, or fine for any personal injury or insult, which seems to be the *Smacht* of the Irish; the *Dirwy* and *Camlwrw*, equivalent to the *Dire* fines of the Irish. The *Gwerth* or price of the different ranks, equivalent to the Irish Honor price, and which regulated the *Galanas*, was as follows:—That of a king is defined in the Laws of Gwynedd as three times his *Saraad*. The *Gwerth* or value and *Galanas* of a *Pencenedl* is to be paid by thrice nine kine and thrice nine score kine, and his *Saraad* is thrice nine kine and thrice nine score of silver. The *Gwerth* or price and the *Galanas* of an *Uchelwr* was six score and six kine, and his *Saraad* six kine and six score of silver. That of a native *Bonedic*, or free member of a tribe, was three score and three

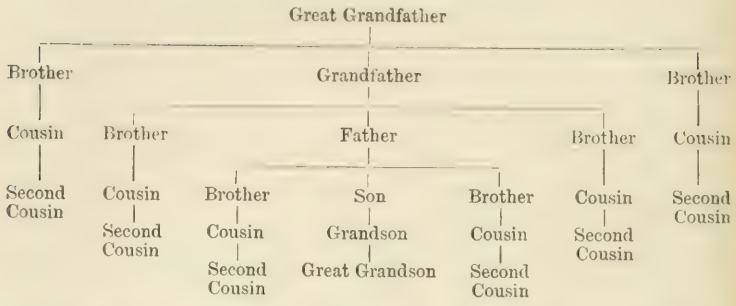
[42] *Welsh Laws*, 394, 699.

kine, and his *Saraad* was three kine and three score of silver. That of a king's *Alltudd*, or foreign settler, was the same. The *Gwerth* of the *Alltudd* of an *Uchelwr*, as well as his *Saraad*, was one half that of the king's *Alltudd*. The *Gwerth* of a *Caeth* or bondman, if of the island, was one pound; if from beyond sea, one pound and six score pence, and his *Saraad* was twelve pence. The third of every *Galanas* belongs to the king, 'for to him pertains the enforcing of it when the *Cenedl* may be unable to enforce it.' The *Dirwy* was twelve kine or three pounds; and the *Camlwrw*, or fine for wrong, three kine or nine score pence.

The sept in Wales.

So far the resemblance between the Irish and the Welsh tribe seems sufficiently marked, and we can also trace in the Welsh Laws the existence of the sept, though it does not come so prominently forward as in the Irish Laws. The *Uchelwr* or territorial lord, from which class alone the *Pencenedl* was elected, had under him a class of native *Cymri* who had become his *Aillt* or tenants, and had likewise settled upon his land, the *Alltudion* or stranger tenants, both bond and free, and his prædial serfs or *Caethim*. These formed his *Teulu* or sept, which was sufficiently numerous to turn out a military force of one hundred and twenty fighting men;[43] and we find, though to a more limited extent, the same system by which the nearer relations of the chief formed an artificial group, which inherited his lands and were responsible for the crimes of its members. The law of succession in the *Tir Gwelyawg* or inheritance land was this—'Three times shall the same patrimony be shared between three grades of a kindred. First, between brothers; the second time between cousins; the third time between second cousins; after that there is no propriate share of land;[44] and in the Commentaries this is illustrated by the following figure,

[43] *Four Ancient Books of Wales*, vol. ii. p. 461.
[44] *Ancient Laws*, p. 266.



which shows the similarity of the system with the Irish. The commentator adds, 'The above figure guides a person to understand the arrangement and connection existing between him and his ancestors and his co-inheritors and his children. For the ancestors of a person are his father, his grandfather, and his great-grandfather; the co-inheritors are brothers and cousins and second cousins; the heirs of a person are those who proceed from his body, as a son, and a grandson and a great-grandson; and if a person be skilful in the use of the figure described above, when a person descended from any one of the three kins of the body of the original stock shall die without heir of his body, he will know who is to obtain the land of such a one according to law. For unto the third degree there is to be an appropriate sharing of land in the court of a *Cymwd* or *Cantrey*.'[45]

These three *kins* of the Welsh Laws evidently represent the first two *Finés* of the Irish Laws, viz., the *Geilfiné* and *Deirbhfiné*, but the Welsh Law proceeds no further with the distribution than the first nine persons of the Irish group of seventeen. The same group was liable under the Welsh Laws for the crimes of its members, and the fines incurred by them, but the nine degrees are differently stated, in a manner

[45] *Ancient Laws*, p. 605. The form of the figure has been slightly altered, in order to bring it to the same form as that shown in the Irish system.

which appears to extend it as far as the Irish system. We find in the Laws that 'whoever shall confess *Galanas*, he and his kindred shall pay the whole of the *Saraad* and *Galanas* of the person killed;' and then the kindred is thus defined: 'Thus the grades of kindred are denominated which are to pay *Galanas*, or to receive payment. The first grade of the nine is the father and mother of the murderer or of the murdered. The second is a grandfather. The third is a great-grandfather. The fourth is brothers and sisters. The fifth is a cousin. The sixth is a second cousin. The seventh is a third cousin. The eighth is a relation in the fourth remove. The ninth is a relation in the fifth remove. The collateral relations in these grades are the nephews and uncles of the murderer or of the murdered. A nephew is a son of a brother or sister or of a cousin or of a second cousin, male or female. An uncle is a brother of a father or mother, or of a grandfather or grandmother, or of a great-grandfather or great-grandmother. This is the amount of the share of each of these; whoever may be nearer by one degree to the murderer, or to the murdered, than another, is to pay or to receive twice as much as the other; and so in respect to all the grades and their collateral members.'[46]

The head of the sept was termed the *Penteulu*, but we have little information as to his relation towards the king or the *Pencenedl*, except that it was from the class of *Uchelwyr* that these were elected, and thus, as in the Irish system, they too had each their *Teulu* or sept.

Fosterage in Wales.

There is but one allusion in the Welsh Laws to the system of fosterage, but it is sufficient to show that this custom also prevailed among the Welsh tribes. We find in the code of Gwynedd that 'if an *Uchelwr* place his son to be reared with the *Aillt* of a lord, by the permission or by the sufferance of the lord, for a year and a day, that son is to have a

[46] *Ancient Laws*, pp. 198, 199.

son's share of the *Aillt's* land, and ultimately of his property.'[47] The age of the boy, however, is distinguished into only two periods. First, from his baptism till he is seven years of age, during which time his father is to swear and pay for him, except the payment of *Dirwy* or *Camlwrw* for him to the king; because the king is not to have any *Dirwy* or *Camlwrw* for an error nor for the act of an idiot, and he is not endowed with reason; he must, however, indemnify the sufferer for his property. At the end of seven years he himself is to swear for his acts, and his father is to pay. From the time when a boy is born till he shall be fourteen years of age, he is to be at his father's platter, and his father lord over him; and he is to receive no punishment but that of his father, and he is not to receive one penny of his property during that time, only in common with his father. At the end of fourteen years the father is to bring his son to the lord and commend him to his charge; and then the youth is to become his man, and to be on the privilege of his lord; and he is himself to answer every claim that may be made on him; and is to possess his own property; thenceforward his father is not to correct him, more than a stranger; and if he should correct him, upon complaint made by the son against him he is subject to *Dirwy*, and is to do him right for the *Saraad*. 'From that age onward he is of the same privilege with an innate *Boneddig*.'[48]

The preceding short analysis of the tribal organisation in its leading features, as presented to us in the ancient Irish and Welsh laws, is an indispensable preliminary to any inquiry into the ancient land tenure of the people of Scotland in Celtic times. Without it we should have been at a loss to discover the source and origin of many of the peculiar features it presents in later times.

[47] *Ancient Laws*, p. 95.

[48] *Ib.*, p. 98.

CHAPTER VI.

THE TRIBE IN SCOTLAND.

Early notices of tribal organisation.

In investigating the early social state of the Celtic inhabitants of Great Britain, we possess an advantage which does not attach to that of Ireland. For the Pagan period in the latter country we have no information except what is derived from native tradition; but in Britain we possess in addition a few incidental notices by contemporary writers of other countries, both as regards the native population of the Roman province and the Barbarian nations beyond its limits. These notices, few and general as they are, yet indicate the presence of a social organisation very similar to that of Ireland.

When we are told by one Greek writer 'that its aboriginal tribes inhabit Britain, in their usages still preserving the primitive modes of life, and that they have many kings and princes;'[1] by another, 'that there are several states amongst them. Forests are their cities; for having enclosed an ample space with felled trees, here they make themselves huts and lodge their cattle;'[2] when Cæsar tells us of the inhabitants of the interior, whom he calls indigenous, that 'they did not resort to the cultivation of the soil for food, but were dependent upon their cattle and the flesh of animals slain in hunting for their food;'[3] when Solinus reports of the inhabitants of the five Western Isles forming the southern group, that 'they knew nothing of the cultivation of the ground, but lived upon fish and milk,' which latter implies

[1] Diodorus Siculus, lib. v. c. 21.
[2] Strabo, lib. iv.
[3] Cæsar, *De Bello Gallico*, v. 12.

the possession of herds of cattle, 'and that they had one king, who was not allowed to possess property;'[4] when Tacitus speaks 'of the numerous states beyond the Firth of Forth,' and describes the great Caledonian army which Agricola encountered at the Mons Granpius as a federation of all the states of the northern population; and when we are told of the two great divisions of them in the third century—the Caledonians and the Mæatæ—'that they inhabit mountains wild and waterless, and plains desert and marshy; that they live by pasturage and the chase, and that their state is chiefly democratical;'[5]—we can see that they consisted of an aggregation of tribes occupying the land in common, and whose chief possessions consisted of cattle. When these writers add that they had their wives in common, they indicate at least that looser relation between the sexes which usually prevailed before the introduction of Christianity had invested a stricter rule of marriage with its sanction, and which led to a connection through females as being regarded with more favour than that through males.

The tribe among the Picts.

When we come down, however, to Christian times, we find the existence of the *Tuath* both as the tribe and as the tribe territory fully recognised as characterising the social organisation of the population of Gaelic race. The ancient tract, termed the *Amra Choluim Chilli*, of Dallan Forgaill, preserved in the *Liabhar na h-Uidre*, contains repeated references to the *Tuaths* both in the sense of tribes and of their territories, and as regards the Pictish nation as well as the Dalriadic colony. Thus we are told that Saint Columba 'illuminated countries and territories' (*Tir agus Tuatha*), and that from him 'the *Tuaths* used to be disciplined.' Again, when it is said, 'Through an idolatrous *Tuath* he meditated criminality,' which is explained to mean, 'when going through the *Tuath* or territories of the

[4] Solinus, c. 22. [5] Xifiline, lib. lxxvi. s. 12-16.

idols he would know their criminality towards God,' it can only refer to the pagan nation of the Picts; and when we are told that 'he sought seven *Tuaths*, viz., the five *Tuaths* of Erin, and two *Tuaths* in Alban,' the latter must be identified with the territory given him by the Picts, who, according to Bede, inhabited the districts adjacent to Iona. In another passage, when St. Columba is referred to as 'the son of Fedelimid for whom used to fight or whom used to serve the twenty *Tuaths*,' the word is probably used in the sense of tribes, and it is still more plainly used in this sense, as existing among the southern Picts, when he is described as 'the teacher who used to teach the tribes who were around Tai, that is, the name of a river in Alban,' which can obviously be identified with the river Tay. In another passage they are referred to as the people of the Tay (*Lucht Toi*); and the *Tuaths* or tribes are indicated as existing both among the Dalriads and the Picts, when he is called 'the champion who bound new things for the alliance of Conall, that is, the champion of the new things is not here for alliance, that is, for confirming the alliance of Conall, that is, between the *Tuaths* of Conall within, or at making their alliance with other *Tuaths* externally.'[6] Conall was the king of Dalriada at the time when St. Columba came over from Ireland to Scotland, and the other *Tuaths* or tribes which were external to his kingdom can only refer to the neighbouring tribes of the Picts. The undoubted antiquity of this tract gives great value to these incidental references to the existence of the *Tuath* or tribe, not only among the Scots of Dalriada, where we might expect to meet them, but also among the two great races of the northern and southern Picts, and this is confirmed by other authorities of a later date. Thus, in the tract called 'The Genealogy of Corca Laidhe,' referred to in a previous

[6] These passages are taken from the edition of the *Amra Choluim Chilli*, with a translation by Mr. O'Beirne Crowe.

chapter, we read that 'Irial Glumnar, son of Conall Cearnach, had two sons, viz., Forc and Iboth. Rechtgidh Righdearg led them into Alban. They gained great battles, so that great districts were laid waste in Alban, until the men of Alban submitted to Rechtgidh Righdearg, so that he was king of Erin and Alban; and it was from them sprang the two *Tuaths* or tribes, *Tuath Forc* and *Tuath Iboth* in Alban.'[7] Rechtgidh Righdearg was one of the mythic pagan kings of Ireland, and Irial Glumnar a traditionary hero of the *Cruithnigh*, or Picts of Ulster; but it is a fair inference from it that two *Tuaths* or tribes bearing the names of Forc and Iboth were known in Scotland, and the name Forc, which is the old form of that of the river Forth, indicates their situation on the northern shore of that river or estuary, that is, among the southern Picts. That a social organisation similar to the Irish tribal system prevailed among the southern Picts, to whom St. Columba's mission was mainly directed, is confirmed by the Gaelic entries in the Book of Deer, which open with the statement that 'Columba and Drostan, son of Cosgrach, his pupil, came from Hi, as God had shown them, unto *Abbordoboir* or Aberdour, and Bede the *Cruthnech* or Pict, who was *Mormaer* of Buchan, gave them that town in freedom for ever from *Mormaer* and *Toisech*;' thus exactly corresponding to the grant of land to the church of Kells, quoted in a former chapter as free from rent, tribute, hosting, coigny, or any other claim of king or *Toisech*. Where there are *Toisechs* there are *Tuaths*, and the district of Buchan probably formed a *Mortuath* like the other districts ruled over by a *Mormaer*, the equivalent in Scotland of the *Ri Mortuath* of the Irish system.

The tribe in Dalriada.

The Scottish kingdom of Dalriada was at this time confined within very narrow limits, and could hardly claim a higher position than that of a *Mortuath*, as we find that it

[7] *Miscellany of the Celtic Society*, p. 61.

consisted of three tribes, termed, in the tract 'Of the History of the Men of Alban,' the three powerfuls in Dalriada. These were the *Cinel Gabran*, the *Cinel Angus*, and the *Cinel Loarn*, who traced their descent from the three sons of Eochaidh—Fergus, Angus, and Loarn—who led the colony from Irish Dalriada. We obtain from this tract some valuable information as to the constitution of these tribes. The *Cinel Gabran* occupied Kintyre in its old extent, including Knapdale, the district of Cowall, and the islands, that is, of Arran and Bute, and consisted of five hundred and sixty houses. The *Cinel Angusa* possessed Isla and Jura, and consisted of four hundred and thirty houses. The *Cinel Loarn* possessed the extensive district of Lorn, extending from Lochleven to the Point of Ashnish, and part of the opposite coast of Morvern, and consisted of four hundred and twenty houses. The districts thus occupied by these tribes surrounded an inner region, extending from the range of mountains called Drumalban to the arms of the sea termed Lochs Craignish and Crinan, consisting of the two districts of Lochaw and Ardskeodnish. This inner region seems to have been left to the older inhabitants of the country, and to have borne the name of *Airgialla*, possibly for the same reason that that name was applied to the extensive region in the heart of Ulster, wrested by the Scots under the three Collas from the Irish Picts.[8] The houses of which these three tribes consisted seemed to have formed groups of twenty houses each, as we are told that their sea muster assigned twice seven benches or seats for rowers to each twenty houses, but the armed muster for the *Sluaged* or hosting was, for the *Cinel Gabran* three hundred men, for the *Cinel Angusa* five hundred men, and for the *Cinel Loarn* seven hundred men, but one hundred of these were furnished by the people of *Airgialla*.[9]

[8] The word *Gialla* means a hostage, and the Irish district is said to have been so named because the hostages of the conquered people were fettered with golden fetters.

[9] *Chronicles of Picts and Scots*,

The tribe in Galloway.

The only other districts of modern Scotland in which a Gaelic population remained are those of the Lennox and of Galloway, and in the latter we can trace the remains of the same tribal system. Thus in the year 1276 we find King Alexander the Third confirming a charter by which Neil, Earl of Carrick, granted and confirmed to Roland of Carrick and his heirs the right of being head of their kin in all pleas relating to *kenkenoll* and the office of bailie, and the leadership of the men of the country under the earl. This shows that the *Cinel* or tribe, with its head or *Ceannchinel*, had formerly existed among the Gaelic population of Galloway; and the same thing is indicated by some notices of lost charters preserved in the ancient Index published in 1798. Thus there is a charter by David II. to Donald Edzear of the captainship of *Clanmacgowin*, and a charter 'anent the Clan of *Muintircasduff*,[10] John M'Kennedy captain thereof;' this term of Captain being the equivalent of the *Toisech* of the Irish and Scottish Gael,[11] and the word *Muintir*, or people, being one of the appellations of a tribe.

Modification of original tribes under foreign influences.

These indications of the existence of a tribal organisation analogous to that in Ireland among the Celtic population during the period when, with the exception of Saxon Lothian, both king and people were Celtic, comprise in the main the information we are able to gain from the most trustworthy sources available to us; but after the purely Celtic dynasty of kings of Scottish race came to an end in the eleventh

pp. 308-314. The numbers are given as stated in the tract, but seem not quite correct. Thus there is an enumeration of the houses of the Cinel Angusa in connection with the lands occupied by them, which amount to 330 in place of 430, and the armed muster is not in proportion to the size of the tribe as shown by the number of houses. It is probable those of the Cinel Gabran and Cinel Angusa have been transposed, and that the 500 belongs to the former, the 300 to the latter.

[10] *Hist. MSS. Rep.* v., p. 613; Robertson's *Index*, pp. 39, 57.

[11] 'Taisius (*Toisech*) apud nos idem est sensu literali ac Capitaneus seu precipuus dux.'— O'Flaherty, *Ogygia*.

century in the person of Malcolm the Second, this tribal system became exposed to powerful external influences, which greatly modified its character, and finally resulted in its disappearance in the eastern districts under feudal forms, and its passing over in the mountainous regions of the north and west into the clanship which was afterwards found there.

Passing of the Mortuath into the Earldom, and the Tribe into the Thanage.

Soon after the death of Malcolm the Second the northern districts of Scotland fell under the dominion of the Norwegian Earl of Orkney, while the Celtic *Mormaer* of Moray reigned in a kingdom the centre of which was at Scone; but when the usurper was expelled by the heir through a female of the ancient line, and Malcolm Ceannmor was established on the throne by the powerful aid of the Angles of Northumberland under their Earl Siward, and the northern districts reverted to his sway on the death of the Norwegian Earl, Saxon influences became predominant; and the new dynasty, still more closely connected with the Saxons through the marriage of its founder with the Saxon Princess Margaret, found its support mainly in the Anglic population of Lothian, which now became the most important province of the extended monarchy. His son Eadgar reigned in reality as a Saxon monarch, and when on his death the kingdom was divided between his brothers Alexander and David, the former consolidated his kingdom north of the Firths of Forth and Clyde upon the basis of Saxon institutions, while the latter ruled over the districts of British Strathclyde and Anglic Lothian as a feudal lord, with Norman sympathies and supported by a powerful following of Norman nobles. During the reigns of Eadgar and Alexander there was a silent advance of Saxon colonisation, and a progressive assimilation of the people to Saxon customs, which led to a Saxon nomenclature being imposed upon their Celtic institutions which found analogous forms in the Saxon laws; and thus in the kingdom of Alexander the First we find the Celtic *Mormaer*

appearing as *Comes* or Earl, while the name of *Thanus* or thane was applied to the *Toisech*,[12] and the tribe territory is now termed *Thanagium* or Thanage. In the British district of Strathclyde the Celtic forms disappeared before the advancing feudalism of David; and when upon the death of his brother he became the first feudal king of all Scotland and its first lawgiver, the constitution of his kingdom was based upon the feudal system; and as its leading principle was that the king was feudal superior of all the territory, and all rights to land emanated from him, all land not given out as feudal holdings was held to be Crown land, and the tribe territories not placed under feudal lords, and now termed Thanages, were regarded as royal demesnes.[13]

When Fordun, therefore, in the forty-third chapter of his fourth book, tells us that 'of old almost the whole kingdom was divided into Thanages,' he was not referring to that fabulous state of matters described in a previous chapter, when *Thanes* were supposed to be governors of provinces, with an *Abthane* over them as high steward—a state of matters which never existed in Scotland; but, as is evident from the context, to those smaller territories termed *Thanages* in his own day, and, viewing these *Thanages* as representing the more ancient *Tuaths* or tribe territories, he is reporting a genuine tradition of the tribal organisation which preceded the Saxon and feudal forms.

Distinction of people into free and servile classes.

The principal fragments of the ancient tribal law which we find still preserved in the subsequent legislation were those relating to the fines paid in compensation for different offences, analogous to those contained in the Irish and Welsh Laws; and these afford us the best indications of the dif-

[12] 'Thanus apud priscos Scotos sive Hybernos dicitur Tosche.'—*Regiam Majestatem*, B. iv. c. 31; note by Sir John Skene.

[13] Domania regis et Thanagia regis idem significant. Ass. reg. Da. c. Statuit Dominus, 38.—Skene, *De Verborum Significatione*.

Si vero in dominicis vel Thanagiis domini regis, etc. Stat. Alex. II.—*Acts of Parliament*, i. 399.

ferent ranks or grades of society in the old tribal system. We find in Scotland, as in Ireland and Wales, the broad distinction between the free and servile classes. Thus in the laws of King William the Lion there is preserved this fragment of the older system 'of the law that is callyt weregylt. Of euery thief through all Scotland the weregehede is xxxiiii. ky and one half, whether he be a freeman or a serf (*liber sive servus*).'[14]

Classes of freemen.

Of the classes of freemen these laws regarding fines afford us complete information. Among the laws attributed to King David I. is a fragmentary code termed 'Leges inter Brettos et Scottos.' It is preserved in Latin, in Norman French, and in the vernacular Scotch. By the Bretti are meant the Britons of Strathclyde, and the term Scotti now comprehended the whole inhabitants of the country north of the Firths of Forth and Clyde. David had ruled over the former as earl during the reign of Alexander the First, and on his accession to the throne seems in this short code to have recognised as law the system of fines which existed among his Celtic subjects both of Gaelic and of British race, and to have included them in a short code applicable to both. It contains the fines paid in compensation for slaughter, termed here *Cro*, a word signifying death; but it is said to be equivalent to the *Galnes* or *Galanas* of the Welsh laws, and also to the *Enauch* or Honor price of the Irish. Another fine for slaughter is called *Kelchyn*, and the fines for 'Blude drawn' seem to be the *Saraad* of the Welsh. They were termed *Bludwyts* in Saxon and *Fuilrath* in Gaelic.[15]

The *Cro* of the King of Scotland is said to be one thousand 'ky' or three thousand 'ore' or ounces of gold, three ounces being the value of a cow, and his *Kelchyn* is one hundred 'ky.'

[14] *Acts of Parliament*, i. p. 375.

[15] 'Abstractione sanguinis que dicitur Bludwytys.'—*Chart. of Lennox*, p. 44. 'Bludwytys que Scotice dicitur *fuilrath*.'—*Ib.* p. 45.

The *Cro* of the king's son,—that is, the Tanist of the Irish Laws, or of an Earl of Scotland, who is thus placed in the same rank,—is seven score 'ky' and ten 'ky.' His *Kelchyn* is three score ky and six ky and two parts of a cow; and for Blude drawn, nine ky.

The *Cro* of the son of an Earl, or of a Thane, who is placed in the same rank, is one hundred ky. His *Kelchyn*, forty-four ky and twenty-one pence and two-thirds of a penny; and for Blude drawn, six ky.

The *Cro* of the son of a Thane is three score ky and six ky and two parts of a cow. His *Kelchyn* is less by a third than his father's, and is twenty-nine ky and elevenpence and the third part of a halfpenny; and for Blude drawn, three ky.

The *Cro* of the nevow or grandson of a Thane, or of ane *Oyethearn*, is forty-four ky and twenty-one pence and two parts of a penny. His *Kelchyn* is not given, but for Blude drawn it is two ky and two parts of a cow.

We are then told that all these who are lower in the *kyn* (parentela) are callit *Carlis* (*rustici*, vilayn), and that the *Cro* of a *Carl* is sixteen ky, that he has no *Kelchyn*, and that the 'Blud' of a *Carl* is one cow.

We have also in this code a section 'Of thaim that are slayn in the peace of the King and other lordis.'

'Giff ony man be slayn in the peis of our lord the Kyng, til him perteins nine score ky.'

If in the peace of the sone of the King or of an Earl, four score and ten ky.

If in the peace of the son of an Earl or of a Thayn, three score ky.

If in the peace of the son of a Thane, forty ky; and if in the peace of a nevo or grandson of a Thane, twenty ky and two parts of a cow.'[16]

The names of the different ranks here are analogous to the Irish system, where the son of each grade occupied the rank

[16] *Acts of Parliament*, vol. i. p. 663.

of the next inferior grade.[17] The Earl was the Scottish *Mormaer*, the *Ri Mortuath* of the Irish. The Thanus or thane was the *Toisech*. The *Ogethearn* is the Irish word *Ogthighearna*, one of the names applied to the second class of the *Gradflatha*,[18] or those *Aires* who received stock from a superior *Aire*. They were also called *Oglaochs*. The fines occupy an intermediate place between those of the Irish and of the Welsh Laws, but most resemble the latter; and the distinction between the free and bond classes and the rights of the *kyn* are clearly indicated from the following addition it made to the account of the *Kelchyn* fine:—'If the wife of a freeman (liberi hominis) be slain, her husband shall have the *Kelchyn*, and her kyn shall have the *Cro* and the *Galnes*. If the wife of a *Carl* (*rustici*, vileyn) be slain, the lord in whose lands he dwells shall have the *Kelchyn*, and her *kyn* shall have the *Cro* and the *Galnes*.'

A fragment has also been preserved giving the *merchet* or maiden-fee paid to the superior on the marriage of the daughter of a dependant. It is the *Amobr* or *Gobr merch* of the Welsh Laws:—'According to the assize of the land of Scotland, the *merchet* of every woman, whether she be a serf or mercantile, was one calf or three shillings. If she was the daughter of a freeman who was not lord of a township, her *merchet* was one cow or six shillings. If the daughter of the son of a thane or of a *ochethicrn*, two cows or twelve shillings. If the daughter of an earl, twelve cows.'[19]

The fines which were paid for abstaining from attending the king's hosting are preserved in the Statutes of Alexander the Second, where the following 'record was made at St. Johnstoun or Perth before the king be all the "dempsteris" (judices) of Scotland in the seventh year of the king's reign, or A.D. 1221,' after the king had been in hosting at Inverness

[17] Thus the son of an *Aire forgall* was an *Aire ard.—Brehon Laws*, vol. i. p. 77.

[18] *Brehon Laws*, vol. i. p. 49; Petrie's *Antiquities of Tarahill*, p. 199; *Chron. of Picts and Scots*, p. 319.

[19] *Acts of Parl.*, vol. i. p. 640.

against Donald Neilson.' They thus declare that 'of those that remained away from the host, the king shall have the forfeiture of the erlis if their thanes' (that is, the earls' thanes) 'remained from the host; but how much that forfalture should be was not determined. Of all others which remained at home—that is to say, of the lands of bischopis, abbotis, baronis, knychtis, and thaynis which hold of the king, the king alone ought to have the forfalture; that is to say, of a thane, vi cows and a calf; of an *ochtyern*, xv sheep or vi shillings; but the king tharof shall have but the one half, and the thane or the knycht the other half. Of a *Carl*, a cow and a sheep; and they also are to be divided between the king and the thane or the knycht.' 'But when by the leave of the thane or the knicht they remained behind the king, he shall have all the forfalt. For no earl nor sergand of the erlis in the land of any man holding of the king ought to come to raise that default but the Erl of Fyffe, and he shall not come as earl but as the *Mair* of the king of his rights to be raised within the earldom of Fyffe. Of the *Cairlis*, however, where the king and the earl divide betwixt them, the king and the earl shall have the one half and the thane the other half; but where the thane falls in forfalt it shall be divided between the king and the earl, as in the laws of King William is declared.'[20]

The analogy between this arrangement and the system of fines for withdrawing from hosting contained in the Irish Laws will be apparent at once, and the different grades here given are the same as those in the code of David I., though adapted to a period when the thane appears as the vassal of the king or of the earl, and the *ochtyern* as the vassal of the thane.

Ranks of bondmen.

The different ranks of the bondmen or unfree class have also been preserved in the code of laws termed *Quoniam attachiamenta*. They are there termed native-men (*nativi*),

[20] *Acts of Parliament*, vol. i. p. 398.

and we are told that there are several kinds of nativity or Bondage (*nativitatis sive bondagii*). For some are native-men of their grandfather and great-grandfather, which is commonly called *de evo et trevo*, whom their lord may claim to be naturally his native-men by narrating their progenitors, if their names are known, as his great-grandfather, his grandfather, and his father, who are challenged, declaring them to have been his native-men in such a township and in such a spot in that township, and to have made and rendered to him and his predecessors servile service in a servile land for many years; and this nativity or bondage may be proved by the kin of him who is challenged or by a good assize.

Another kind of bondage is similar to this, when any stranger receives servile land from any lord doing servile service for that land; and if he dies in that land and his son likewise dies in that land, and afterwards his son lives in the same land and dies there, then his whole posterity to the fourth degree shall be of servile condition to his lord, and his whole posterity may be proved in a similar manner.

The third kind of *nativity* or bondage is when a freeman, in order to have a lord or the maintenance (*manutenencia*) of any great man, gives himself up to that lord to be his native or bondman (*nativum seu bondum*) in his court by the hair of his forehead; and if he thereafter withdraws himself from his lord, or denies his *nativitie* to him, his lord may prove him to be his native-man before the justiciary by an assize, challenging him that he in such a day in such a year came to him in his court and gave himself up to be his man; and if any one is adjudged to be the native or bondman to any lord, that lord can seize him by the nose and reduce him to his former servitude, taking from him all his goods to the value of four pence.[21]

These definitions of the different kinds of *nativi* or bondmen may no doubt apply to a later period than we are now

[21] *Acts of Parliament*, vol. i. p. 655.

referring to, and be more or less connected with feudal forms, but we may, notwithstanding, infer that they preserve the characteristics of the servile class in Celtic times; for, although the upper classes may in the Lowland districts have been superseded by Saxon or Norman proprietors holding their lands in feudal tenure, the servile occupiers of the soil of Celtic race who were attached to the land would remain and become the villains of the feudal lord; and so we find that wherever they appear in the Chartularies they possess Celtic names.

We see from the above description that their connection with their lord was of two kinds—first, by occupying under him servile land; and second, by placing themselves under him as personal bondmen; and of the former class, they were either natives by descent or strangers who had taken land from him, and the latter became native serfs after four generations. Here we recognise at once the *Sencleithe* or old adherents of the Irish law, and the *Bond Fuidhir*, who became *Sencleithe* after four generations. The latter class of personal serfs are the *Mogha* of the Irish and the *Caeth* of the Welsh Laws. The Celtic names by which these two classes were known in feudal times have also been preserved to us. Thus, in the Chartulary of Scone, King William the Lion grants a mandate directing that if the abbot of Scone or his sergands shall find in the lands or in the power of others any of the *Cumlawes* and *Cumherbes* pertaining to his lands, he may reclaim them;[22] and in the Chartulary of Dunfermline, the foundation charter by King David the First grants that all his serfs and all his *Cumerlache* from the time of King Edgar shall be restored to the Church wherever they may be found, and the scribe interprets the word *Cumer lache* by *fugitivi* on the margin; and in a mandate by the same king to the same effect the title is 'Of the *fugitivi* which are called *Cumerlache*.'[23] In the

[22] *Liber de Scon*, p. 24. [23] *Chart. Dunf.*, pp. 6, 17. The

last syllable of the name *Cumherbes* or *Cumarherbe* we can recognise the Irish word *Orba*, applied to that part of the tribe territory which had become the private property of the chiefs; and this name was no doubt applied to that class of serfs whose bondage was derived from their possessing servile land. They were the *ascripti glebae* of feudal times. The term *Cumlawe* or *Cumarlawe* is simply a translation of the Latin term *manutenencia*, which characterised the third kind of bondage above described, and whose tie to their master being a personal one, led to their frequently escaping from hard usage and being reclaimed as fugitives.[24] Thus among the laws of King William the Lion we find one declaring that any one who detains a native fugitive man (*nativi fugitivi*) after he has been demanded by his true lord or his bailie, shall restore the said native-man with all his chattels, and shall render to his lord the double of the loss he has sustained.[25]

Measures of land.

As in Ireland and Wales, so also in Scotland, the ancient measures of land were closely connected with the tribal system, but here too we find them more greatly affected by external influences than in the two former countries. When we examine the most ancient land-measures of that part of Scotland lying north of the Firths of Forth and Clyde, we do not find the same local varieties which can be traced in the different provinces of Ireland and Wales, but instead, a great and leading difference between those of the eastern and the western districts. In the eastern districts there is a uniform system of land denominations consisting of Davachs, Ploughgates, and Oxgangs, the davach consisting

two classes are mentioned in a charter by Thomas, Earl of Mar, in 1359, of the lands of Rotheneyk, 'cum nativis et fugitivis dictarum terrarum.'—*Ant. Aberd. and Banff*, vol. iv. p. 716.

[24] These names seem to be derived from the verb *Cum*, tene, retine; and in the one case *forba* or *orba*, terra, and in the other *lamh*, manus, with or without the preposition *ar*, upon. The word *Cum* is no doubt the root of the Irish *Cumal*, the primary meaning of which was a female slave.

[25] *Acts of Parl.*, vol. i. p. 381.

of four ploughgates, and each ploughgate of eight oxgangs; but as soon as we cross the great chain of mountains separating the eastern from the western waters, we find a different system equally uniform. The ploughgates and oxgangs disappear, and in their place we find davachs and penny lands. The portion of land termed a *davach* is here also called a *Tirung* or ounce land (*unciata terra*), and each davach or *Tirung* contains twenty penny lands.

The davach[26] being the only denomination common to both parts of the country, we may infer that it belongs to the old Celtic system of land-measures, and that the others are foreign importations. Now we find in the ancient province of Lothian, which originally formed part of the Anglic kingdom of Northumbria and possessed an Anglic population, the land-measures consisted of Carucates or ploughgates, and Bovates or oxgangs. The oxgang contained thirteen acres, two oxgangs made a husband-land, and eight oxgangs a ploughgate, which thus consisted of 104 acres of arable land. On the other hand, in the islands of Orkney and in the district of Caithness, which were formerly a Norwegian earldom under the king of Norway, we find the land was valued according to a standard of value derived from the weight of silver, the unit being the ounce or *Eyrir*, eight ounces forming the *Mörk* or pound, and twenty pennings one ounce,[27] and thus the land-measures consisted of *Oers* or ounce lands, the ounce lands containing either eighteen or twenty penny lands. They seem to have been so called, because under the Norwegian rule each homestead paid one penny as *scat*.

[26] The word Davach has been supposed to be derived from *Damh* an ox, and *Achadh* or *Ach* a field, and thus to mean oxgang; but the Book of Deer shows this to be false etymology. The word there in its oldest form is *Dabach*, and the last syllable is inflected (forming in gen. pl. *acc*, dual *Dabeg*), which it could not be if it meant *Ach* a field. The word is also applied in Ireland to the largest liquid measure, and appears in this sense in the old Irish Glosses, 'Caba, *i.e.* Cavea, *Dabhach*, genitive *Dabhca*' (p. 63).

[27] Dasent's *Saga of Burnt Njal*.

It is therefore a fair inference that, with the Saxon colonisation, the Saxon denominations superseded the older Celtic lesser denominations, as forming the subdivisions of the Davach in the eastern districts, while in the western seaboard and in the islands, which were for a time under Norwegian rule, the Norwegian denominations replaced the Celtic, but in both cases they were adapted to the existing divisions of land, which could not be altered without interfering with the whole framework of society. The Carucate or ploughgate was a term known to the Irish system, and may likewise have existed in Scotland in Celtic times, as it appears in Highland charters under the name of *Arachor*, the Gaelic equivalent of the Latin *Aratrum*,[28] but seems sometimes to have contained 160 acres in place of 104, and consisted of a definite measure of arable land with common pasture;[29] and we find from a charter of a Carucate or ploughgate of land on the Nith, that the common pasture carried 24 cattle and 100 sheep,[30] and the minor terms can probably still be traced in the topography of the districts. We have the words *Ballin*, *Bal*, from *Baile*, a town, entering into many local names in both parts of the country, as well as the word *Teaghlach* or family, corrupted into Tully and Tilly, as in Tullynessle, Tillymorgan, etc. Then in the east there are the Pits, the old form

[28] *Chart. of Lennox*, pp. 34, 36, 38. Mr. W. Fraser, in his first report on the Montrose papers, notes a charter by Alexander of Dunhon to Sir Patrick of Graham of three quarters of a carucate of land of Akeacloy nether, *which in Scotch is called Arachor* (*Hist. MSS. Rep. I.* 166); but in his second report quotes two charters by the Earl of Lennox confirming to Sir David of Graham the half-carucate of land of Strathblahane, where the church called Arathor in the one charter and Letharathor in the other was built, but these charters have obviously been misread. It was not the church but the land conveyed that was called *Arathor* or *Letharathor*, that is, carucate or half-carucate (*ib.* iv. 386).

[29] *Antiq. Aberdeen and Banff*, vol. iv. p. 690, where a dimidia carucata, or half-ploughgate, is said to contain 'quater xx acras cum crofto habiente vii acras et communi pastura.' In the Chartulary of Arbroath we have 'una carrucata terræ mensurata et arabilis cum commune pastura,' p. 7.

[30] *Charters of Holyrood*, p. 44.

of which, as appears from the Book of Deer, was *Petie* or *Pett*. It is there uniformly connected with a personal name, as if it was applied to a single homestead, as in *Petie mac Garnait*, *Pett mac Gobrig*, and *Pett Malduib*, and the affix Pitt seems to have a similar meaning in the old entry in the Chartulary of St. Andrews, where we read of the 'villula' or homestead, which is called Pitmokane.[31] In the western districts we find the penny land also entering into the topography, in the form of *Pen* or Penny, in such names as Pennyghael, Pennycross, Penmollach, while the halfpenny becomes *Leffen*, as in Leffenstrath; and if the group of twenty houses, which we found characterising the early tribe organisation in Dalriada, was the Davach, then we obtain the important identification of these houses or homesteads with the later penny lands. We find notices in the charters connected with this part of the country of the *Shammark*, equal to two penny lands, of Cow lands, probably the Irish *Ballyboe*, and of Horsegangs.[32] When these western districts fell under the rule of the Scottish monarchs, the valuation of land called the Old Extent seems to have been to some extent introduced. In the eastern districts it corresponded so far with the land measures, that the ploughgate was the same as the forty shilling or a three-merk land;[33] but the merk land in the west appears to have had no uniform relation to the penny land, though in Lochaber we find that five penny lands were equal to a forty-shilling land, which seemed to indicate that here also the ploughgate was the fourth part of a Davach, and consisted of five homesteads; on the other hand, we are told that each

[31] *Chart. of St. Andrews*, p. 114.

[32] 'The tenants, particularly of arable farms, have but small possessions, only the fourth part of a farm, or what is called here a Horsegang' (*Stat. Acc. of Kilmartin*, viii. 97). In the Craignish papers it is termed a quarter or Horsegang, and an eight shilling and eightpenny land.

[33] *Scotch Legal Antiquities*, by Cosmo Innes, p. 270. Mr. Innes was the first to discover this important analogy.

township in Isla consisted of two and a half merk lands.[34] The state of these districts probably gave the Davachs and penny lands a fluctuating value, which depended more upon the pasture and the stock it carried than on the arable land. There is an old tradition that the Davach was land capable of pasturing 320 cows, and that a merk land was as much land as would graze twelve milch cows, ten yeld cows, including three-year-olds, twelve two-year-olds, twelve year-olds, four horses, four fillies, mares and followers, one hundred sheep, and eighty goats.[35] The two systems of land measure appear to meet in Galloway, as in Carrick we find the measure by Penny lands, which gradually become less frequent as we advance eastward, where we encounter the extent by merks and pounds, with an occasional appearance of a penny land, and of the Bovate or oxgang in Church lands.

Burdens on the land.

The burdens upon the land held by the community in Scotland seem to have been principally four. We find them still attaching to the Crown and the Church lands during the twelfth and thirteenth centuries, and they are analogous to those connected with the Irish tribe system. They were *Cain, Conveth, Feacht*, and *Sluaged*. The two former were fixed payments in kind. The two latter were services to which the possessor of the land was subject. They are rendered in Latin by the words *expeditio* and *exercitus*. We find these burdens in both of the leading divisions of the country north of the firths. Thus, by a deed dated at Lismore in the year 1251, Sir Ewen, son of Duncan de Erregathil (Argyll), granted to William, bishop of Argyll, fourteen penny lands in Lismore, free of all secular exactions and

[34] *Origines Parochiales*, vol. ii. part i. pp. 177, 191. Appendix III.

[35] Information derived from the late Colonel Macdonell of Glengarry, who had an accurate knowledge of Highland traditions. In the *Stat. Acc.* of Saddel it is stated that the average stock of a merk land is 4 horses, 12 milch cows with their followers, and 40 sheep with theirs (vol. xii. p. 477).

dues—viz., *Cain, Conveth, Feacht, Sluaged,* and *Ich*—and of all secular services;[36] and similarly Roger, bishop-elect of St. Andrews, granted between 1188 and 1198, when he was consecrated, the lands of Duf Cuper to the church and canons of St. Andrews, free of *Can* et *Cuneveth* et exercitu et auxilio et ab omni servicio et exactione seculari.'[37]

The *Cain* or *Can.*

We find during this period that these dues and services were derived by the king from the Crown lands, and by the superiors from lands not held feudally. Thus King David grants to the monks of Dunfermline the tithe of his whole *Can* from Fif and Fothrif, likewise the tithe of his *Can* of Clacmannan, and the half of his tithe of Ergaithel (Argyll) and Kentir in that year, to wit, in which he receives *Can* from it, and these grants are repeated by his successor Malcolm IV.[38] King David likewise grants to the church of Urchard (Urquhart) the tithe of the *Can de Ergaithel de Muref,* that is, that part of the great province of Ergadia or Ergaithel which belonged to Moray, extending from the Leven to the border of North Argyll.[39] King William confirms to the bishop of Moray the *Cana et Coneveta* which his predecessors had received from those who held land of the bishops during the time of King David and King Malcolm;[40] and in an agreement in 1225 between the bishop and Walter Cumyn of Badenoch, the bishop frees him from any claim he had for the tithe of the *Can* of his lord the king from the lands of Badenoch.[41]

In Aberdeenshire we find the Earl of Mar granting to the bishop of St. Andrews the tithe of the 'redditus' or *Can* of his whole lands;[42] and Thomas the Hostiary gives to the canons of Monimusk ten bolls of meal and ten stones of

[36] *Reg. Mag. Sig.*, lib. xiv. No. 389.
[37] *Chart. of St. Andrews*, p. 45.
[38] *Chartulary of Dunfermline.*
[39] *Antiquities of Aberdeen and Banff*, vol. ii. p. 273.
[40] *Chartulary of Moray*, p. 8.
[41] *Ib.* p. 83.
[42] *Antiq. of Aberdeen and Banff*, vol. ii. pp. 17, 22.

cheese from his lands of Outherheicht, which is afterwards called the *Can* of Houctireycht.[43]

In Mearns or Kincardine Earl David of Huntingdon grants to the church and canons of St. Andrews the whole *Kan* and *Kuneveth*, which they were due him, from the lands of Ecclesgirg, and the services which his men of Eccleskirch were bound to render him.[44] Then in the beginning of the thirteenth century the record of a dispute between the bishop of St. Andrews and the abbot of Arbroath is preserved to us in the chartulary of that church, regarding the lands of Fyvy, Tarves, Innerbondy, Munclere, Gamery, Inverugy, and Monedin, and the *Can* or redditus and *Conevet* of these lands, which the bishop resigns to the abbot free of every exaction, reserving to himself the ancient 'redditus' of Monedin, viz., three shillings and sixpence, and the portion of the *Conevet* which was wont to be paid at Bencorin or Banchory; and in the same Chartulary there is a grant by King William to the abbey of Arbroath of the ferry and ferrylands of Munros, to be held free 'ab exercitu et expeditione et operatione et auxilio et ab omnibus consuetudinibus et omni servicio et exactione;' and the earl of Angus grants them the lands of Portincraig in similar terms, as free 'ab exercitu et expeditione et exactione multure et ab omnibus auxiliis et geldis et omnibus serviciis et exactionibus;' the 'exercitus' and 'expeditio' being the *Sluaged* and *Feacht* of the Gaelic charters.[45]

Then in Fife we find in a rental of the earldom a certain *firma* or rent which is termed *Canus*, with ten shillings of the *Can* of Abernethy; and in Stratherne we find the bishops of Dunkeld confirming to the canons of Inchaffray the lands of Maderty, which is called *Abthan*, and the free-

[43] *Antiquities of Aberdeen and Banff*, vol. i. p. 174.
[44] *Chartulary of St. Andrews*, p. 238.
[45] *Chartulary of Arbroath*, pp. 12, 35.

dom from the *Cane* and *Cuneveth* which the clerics of Dunkeld were wont anciently to receive from these lands.

These notices will be sufficient to show that these Celtic burdens on land prevailed over the whole of the country north of the Firths, on the crown lands and those of the church, and on all lands which had not become the subject of feudal grants.

Passing then to the country south of the Firths, we find them equally prevalent, except in the great Anglic province of Lothian. Thus King David grants to the church of Glasgow the whole tithe of his *Chan* in the beasts and pigs of Strathegrive and Cuninghame, Kyle and Carrick, in each year, unless the king himself shall go to dwell there and consume his own *Chan.*[46] These districts formed the greater part of the ancient British kingdom of Strathclyde, and this was an appropriate grant to the church of Glasgow, which had been its metropolitan church. Then we find the lords of Galloway granting lands in that district to the canons of Holyrood, free from all '*Can* and *Cuneveht* and from every exaction, custom, and secular service;'[47] and finally, at a court held by the judges of Galloway at Lanerch in the reign of King William the Lion, in presence of the Lord of Galloway, it was adjudged that 'when the king ought to receive his *Can* from Galloway he should issue his breve to the *Mairs* of Galloway, and the *Mairs* should go with the royal breve to the debtor of the *Can* and exact the *Can* from him. If he fail to pay, the *Mair* was to take the rod or staff, called the king's staff, and take a distress for the king's *Can*, and if the debtor removed the subject of the distress he was to pay for each ten cows fifteen cows, besides a hundred cows *de misericordia*; but if he delivered part of the *Can*, till after the Nativity he was to pay for each cow four shillings of cow-tax, and for each pig sixteen pence, and before the Nativity

[46] *Chartulary of Glasgow*, p. 12. [47] *Chartulary of Holyrood*, p. 61.

the debtor was to deliver cows worth forty pence, and if he stated on oath that he had no pigs, he was to pay for each pig seventeen pence.'[48]

This last notice will explain in some degree what the burden termed *Cain* or *Can* really was, and how it was exacted. It consisted of a portion of the produce of the land, in grain when it was arable land, and in cattle and pigs when pasture land. It was in fact the outcome of the *Bestighi* or food-rent of the Irish laws, and the *Gwestva* of the Welsh laws, paid by every occupier of land to his superior. Over the whole of Scotland, except in Lothian, it was a recognised burden upon the crown lands and upon all land not held by feudal tenure, but it ceased as soon as the possessor of the land was feudally invested. Thus we find in the Moray Chartulary an agreement between the bishop of Moray and Thomas de Thirlestan, who had received a feudal grant of the lands of Abertarff, regarding a half-davach of land, which the bishop asserted belonged to the church, and regarding the tithes of the royal *Can* payable from the lands of Abertarff before his feudal investiture (*ante infeodationem*). There is a similar agreement between the bishop and James, son of Morgund, regarding certain lands in his fief of Abernethy, and regarding the tithes of the *Can* which was wont to be paid to the king from these lands before his feudal investiture, and another between the bishop and Gilbert the Hostiary regarding the tithes of the *Can* which he was wont to pay annually to the king from the lands of Strathbroc and Buleshe before his feudal investiture (*ante infeodationem*).[49] The *Can* or *Chan* was so termed from the Gaelic word *Cain*, the primary meaning of which was 'law.' It was the equivalent of the Latin word *canon*, and like it was applied to any fixed payment exigible by law.[50]

[48] *Acts of Parl.*, vol. i. p. 378.

[49] *Chart. of Moray*, pp. 23, 76, 80.

[50] Craig arrives at the true meaning when he says, 'Meo quidem judi-

Conveth.

Conveth was the Irish *Coinmhedha* or Coigny, derived, according to O'Donovan, from *Coinmhe*, which signifies feast or refection. It was the *Dovraeth* of the Welsh laws, and was founded upon the original right which the leaders in the tribe had to be supported by their followers. It came to signify a night's meal or refection given by the occupiers of the land to their superior when passing through his territory, which was exigible four times in the year, and when the tribe territory came to be recognised as crown land, it became a fixed food contribution charged upon each ploughgate of land. Thus in the charter by King Malcolm the Fourth, confirming the foundation of the abbey of Scone, he grants to the canons from each ploughgate of the whole land of the church of Scone in each year, at the Feast of All Saints, for their *Coneveth*, one cow and two pigs, and four *Camni* of meal, and ten threaves of oats, and ten hens and two hundred eggs, and ten bundles of candles, and four pounds of soap, and twenty half meales of cheese.[51]

In the reign of Alexander the Third this word seems to have assumed the form of *Waytinga*, and appears in the Chamberlain Rolls of his reign as a burden upon the Thanages. Thus the Chamberlain renders an account of the *Waytingas* of Forfar and Glammis, of the *Waytinga* of one night of Fettercairn, of the *Waytingas* of four nights in the year of Kinross, and 'of the rent of cows of two years,' that is to say, of the *Waytingas* of two nights in the year of Forfar, forty-eight cows, and of the *Waytinga* of (one) and a half nights of the Thanage of Glammis, twenty-seven cows.[52]

cio melius a *canone* deducetur, cum idem prope significet. *Canon* enim in jure præstationem annuam sive pensitationem innuit, unde canon frumentarius et canon metallicus. . . . Est itaque *Cana* idem quod *Canica*, sive *Canon*, sive certa præstatio annua, quæ nunquam naturam feudi per se, neque speciem tenendriæ immutat, ut nulla alia præstatio annua, nisi exprimatur tenenda in feudifirma.'—*Jus feudale*, pp. 79, 28.

[51] *Liber Ecclesie de Scon*, p. 7.

[52] *Chamberlain Rolls*, pp. 6, 50. There is a blank in the record.

Another name for this exaction was *Cuidoidhche*, or a night's portion, corrupted into *Cuddiche* or *Cuddicke*. It appears under this name mainly in the Highlands and Islands, and was continued as a burden on the lands to a late period. In the rentals of South and North Kintyre for 1505 we find, besides *firma* or rent, each township charged with a certain amount of meal, cheese, oats, and a mert or cow, *pro le Cuddecht*. A description of the Western Isles written between 1577 and 1595, has preserved a record of these payments. Lewis, a forty pound land, pays yearly 18 score chalders of victuall, 58 score of ky, 32 score of wedderis, and a great quantity of fishe, poultry, and white plaiding by their *Cuidichies*—that is, feasting their master when he pleases to come in the country, each one their night or two nights about, according to their land or labour. In Uist each merk land paid 20 bolls victual, besides other customs which are paid at the landlord's coming to the Isle to his *Cudicht*; and in Mull each merk land paid yearly 5 bolls bear, 8 bolls meal, 20 stones of cheese, 4 stones of butter, 4 marts, 8 wedders, 2 merks of silver, and 2 dozen of poultrie by *Cuddiche*, whenever their master comes to them. Under the name of *Conyow* or Coigny it appears in Iona, when, in a contract between the bishop of the Isles and Lauchlan M'Lean of Dowart, in 1580, the latter becomes bound that he 'sall suffer na maner of persoun or personis to oppress the saidis landis of Ycolmekill (Iona) and Rosse, or tenantis thaireof or trouble or molest thame in ony sort with ather stenting, *Conyow*, gerig service or ony maner of exactioun.'[53] In Atholl we find the vassals of Strathtay and their tenants ordered as late as in 1719 to pay their *Cudeichs* according to ancient use and wont. These included two pecks of corn, one threave of straw, and six shillings Scots for maintenance of the superior's horses and servants who wait on them, out of each twenty shilling land; and in 1720 it is ordered that the

[53] Appendix III., Athole Papers. *Collect. de Rebus Albanicis*, p. 16.

accustomed corn and straw and other casualties paid yearly as *Cuddeichs* out of each merk land be taken up, excepting always the land laboured by the vassals for their own use.

A similar burden under different names emerges in Galloway, when in a charter by David II. to Sir John Heris, knight of the barony of Terreglis, in Dumfriesshire, in which it is declared 'free of *Sorryn* and *Fachalos* unless officers come through it with a robber or with the head of a robber; and if they, the king's officers, can pass beyond the barony before sunsetting, they shall have nothing for their expenses, and if they cannot pass beyond the barony before sunsetting they shall have hospitality for that night (*hospicium ad hospitandum*),' etc. *Sorren* was a tax imposed in Ireland upon the possession of land for the clothing, feeding, and supporting the galloglasses and kernes. It was originally a night's meal upon land passed through, and *Fachalos* was probably the Irish *Fechtfele*, which is explained as 'the first night's entertainment we receive at each other's house.'[54]

Expedition and hosting.

The *Feacht* and *Sluaged* (*expeditio et exercitus*) consisted of a general obligation, originally upon the members of the tribe, and afterwards upon the possessors and occupiers of what had been tribe territory, to follow their superiors and chiefs as well as the *Ardri* or sovereign in his expeditions and wars. They are usually termed expedition and hosting, and in Scotland the burden was apportioned upon the davach of land. It is probably this burden that is referred to in the Book of Deer, where we are told that the '*Mormaer* and *Toisech* immolated all the offerings to God and to devotion, and to Saint Columcille and to Peter the Apostle, free

[54] Innes's *Legal Antiquities*, p. 70; Ware's *Antiquitates Hibernicæ*, p. 209; O'Curry, *Lectures on the Manners and Customs of the Ancient Irish*, vol. iii. p. 495, note; *Ulster Archæol. Journal*, vol. iv. p. 241. Mr. Innes's attempt to explain these terms will show how essential an acquaintance with the ancient Irish laws is to the interpretation of our ancient Scotch customs.

from all the burdens, for a portion of four davachs of what would come on the chief tribe residences generally and on the chief churches.' These obligations seem to have constituted what is called in charters Scottish service (*servitium Scoticanum*), and were of two kinds, internal and external, the one representing the *Feacht* or expedition, and the other the *Sluaged* or hosting. We find them distinguished in a charter by Waldevus de Stratheihan to the church of St. Andrews of the lands of Blaregeroge, which are granted 'free from all exaction and service, internal and external' (*sine omne exactione et servitio intrinseco et forinseco*);[55] and their connection with the Davach appears very clearly from three Charters, one by Alexander II. to the abbey of Scone of the lands of Magna et Parva Blar, which contains in the reddendo the clause, 'rendering the external service only which pertains to five davachs of land, that pertaining to the sixth davach being remitted.'[56] In another by the Earl of Stratherne to Willelmus de Moravia, the lands are granted free of 'every service except the external Scottish service of our lord the king;[57] and in a third charter by Alexander the Second to the abbey of Arbroath of the lands of Tarvays, consisting of four davachs and a half davach and quarter davach, they are granted 'rendering the external service in the army which pertains to the said lands.'[58] We have seen that the *Feachtmara* or sea expedition of each tribe in ancient Dalriada was attached to each twenty houses, corresponding to the twenty penny lands which formed the davach in the west, showing very clearly that even at this early

[55] *Chart. of St. Andrews*, p. 277.

[56] Faciendo forinsecum servitium tantum quod pertinet ad quinque davachas terræ, servitium vero pertinens ad sextam davacham de Blar dictis canonicis remisimus.—*Liber Ecclesie de Scon*, p. 42.

[57] Aliquod servitium nisi forinsecum servitium Scoticanum domini regis.—*Chart. of Moray*, p. 470.

[58] Faciendo forinsecum servitium in exercitu quod pertinet ad predictas terras.—*Chart. of Arb.*, p. 74.

period the Davach was the measure of land by which this burden was regulated.

Such, then, were the burdens connected with the ancient tribal organisation as depicted in the Irish and Welsh Laws which we find still attached to the thanages, as well as to all the crown and church lands not held on a feudal tenure. They consisted of, first, a share of the produce of the land and the stock, of the personal services of certain of the tenants, and of various fines, which were all included in the general term of *Cain*; secondly, of rights of entertainment and support for a certain number of nights in the year, under the name of *Coinmhedha* or *Coneveth*, *Cuidoidhche* or *Cuddechie*, *Waytinga*, *Sorren*, and *Fachalos*, and assessed on homesteads or penny lands in the west, twenty of which made a davach; and on Carucates or ploughlands in the east, four of which constituted the davach; thirdly, of the *Feacht* or expedition,—the burden of joining in expeditions within the kingdom or territory; and fourthly, of the *Sluaged* or Scottish service of hosting,—that is, the burden of attending the king's army or host when assembled for the defence of the kingdom or for hostile invasion; and of all these burdens the various grades connected with the land had their *Cuid* or share in definite proportions.

Assimilation to feudal forms.

These old Celtic tenures, however, became gradually more and more assimilated to feudal forms as the kingdom with its mixed population assumed more the aspect of a feudal monarchy, and its kings adapted the customs of their subjects of different race to the model of those of the feudal law. In this progress of adaptation we can trace two distinct stages, — one when the crown lands came to be considered as held upon a distinct tenure termed in England fee-farm, in Scotland feu-farm, and in Latin charters *feodifirma*; and again, when the War of Independence which followed on the death of the last of the kings of the race of Malcolm

Ceannmor and the contest between the houses of Bruce and Baliol led to numerous confiscations of the land held by their partisans on both sides, and to the general conversion of the crown grants into feudal tenures for military service.

Tenure in feu-farm.

The tenure of crown lands in *feodifirma*, or feu-farm, appears in England as early as the reign of King John, and must have then been already well established, as one of the stipulations in the articles of the Barons which led to the great charter of liberties or Magna Charta, and repeated in the latter, is, that if any one holds of the king *per feodifirmam*, or on *sokage* or burgage tenure, and of another for military service, the king is not to have the custody of the heir or of his land who holds of another in fee by reason of his fee-farm, sokage, or burgage holding of the king, nor shall he have the custody of the latter unless the fee-farm owes military service;[59] and in Scotland it was evidently recognised as a tenure holding of the Crown in the reigns of William the Lion and of Alexander the Second. The tenure in feu-farm or *feodifirma* was in fact an intermediate tenure between those who had merely the usufruct of land the right of property in which still remained with the granter, and those who held land as his vassal by a formal feudal grant for military service. Of the two words of which the name is composed, *Firma*—derived from the Saxon *feorm*—was the share of the produce of the land paid by a tenant to his landlord by way of rent; and to hold land *ad firmam* or *in firma* was equivalent to the modern leasehold tenure: it was constituted by a lease and completed by possession, and the tenant was called *firmarius*; but *feodum* is the feudal fief granted by charter and completed by seisin or infeftment. The tenure *in feodifirma*, therefore, was a feudal grant of land, not for military service, but for a *firma* or permanent rent, and was equally constituted by charter

[59] Stubbs's *Select Charters*, pp. 284, 293.

and seisin. Such lands were held *ad feodifirmam*, the annual payment was the *feodifirma*, and the holder was called *feodifirmarius*. These grants were supposed to resemble the Roman *Emphyteusis*, and the form still exists in Scotland in our modern feu-charter, in which the same expressions are used. In these the land is conveyed 'in feu-farm, to be held in feu-farm fee and heritage for ever,' for payment of an annual 'feu-duty,' and the granter is called the 'feuar.' It is, however, essentially a feudal holding, and differs from a mere tenancy by lease in this—that in the former the *dominium utile* of the land is conveyed by charter to the vassal, while in the latter the usufruct of the land is solely given, and the property of the soil remains with the granter.[60]

Ranks of society on Crown lands.

When the thanage came to be considered as crown land it assumed an appearance, with its thane holding it under the Crown and paying a share of the produce as *Cain*, which was so analogous to that of the feu-farm holding, that when feudal forms became more generally adopted it almost unavoidably passed over into the latter; and it is at this stage of the history of the thanage, when it was universally recognised as a feu-farm holding, that the very important description of the tenure of crown lands given us by Fordun in his Chronicle, to which we have already adverted, more directly applies. We must now examine this description more in detail.

Fordun divides the possessors and occupiers of the crown lands into three classes, beginning his description with the lowest class, and proceeding through the different ranks till he reaches the Thane; but it will be more convenient for our purpose to invert the order in which he describes them.

[60] This more detailed explanation seems necessary, as the term is often used loosely, as if the feu-farm holding was a mere tenancy. See the author's edition of Fordun, vol. ii. p. 415, for a fuller discussion of this.

He introduces his description by stating that the kings were accustomed of old to give to their soldiers more or less of their lands in feu-farm a thanage or portion of some province, of which, however, he gave to each as it pleased him. Then follow the three classes. The highest he terms *principes*, *thani*, and *milites*. To these, who were few in number, he gave the land in perpetuity, but under the burden of a certain annual payment to the king. The word *principes* here, probably, means the earls of those ancient earldoms who represented the old *Mormaers*, and whose demesne was held to have been originally part of the crown land.[61] The *thani* represented the older *Toschachs*, and here we find the *Toschachs* or thanes holding the demesne of the thanage of the king in feu-farm, and paying an annual feu-duty, first in kind, and retaining its original name of *Cain*, but afterwards commuted to a money payment. Accordingly, in the laws of William the Lion and of Alexander the Second we find them in the position of crown vassals holding of the king *in capite*. Thus in an assize held at Perth by King William the Lion there were present the bishops, abbots, earls, barons, thanes, and whole community or estates of the kingdom. Again, a law passed in A.D. 1220, regarding persons absenting themselves from the king's army, mentions those belonging to the lands of bishops, abbots, barons, knights, and thanes who hold of the king.[62] By *milites*, Fordun here means those who held

[61] The seven earls appear, according to Fordun, at the coronation of King Alexander the Second, and in the same year he passes some laws, apparently with consent of these earls, regarding the land. In the first the expression is, 'Rex cum communi consilio comitum suorum.' In the second, 'Rex et *principes* ejus.' By Fordun they are usually called *magnates et proceres*.

[62] *Acts of Parliament*, vol. i. p. 377. Two popular errors have prevailed with regard to the true character and position of the thanes. By the oldest of these they were regarded as the governors of provinces, having over them an *abthane* or chief governor. Fordun seems the inventor of this, and to it belongs his mythic character Macduff, thane of Fife; but it is inconsistent with the account he subsequently gives of the tenure of the crown lands, and

a portion of the thanage termed a tenement or tenandry, either direct from the king, or, as was more usual, under the thane or lord as a sub-vassal, as distinguished from the demesne.[63] These formed the class termed freeholders or *libere tenentes*, and were bound to yield certain services as suit and service in the court of the overlord and Scottish service to the king. This class is frequently alluded to in the laws both of William the Lion and of Alexander the Second. Thus in a statute of King William the Lion in 1180, regarding the holding of barony courts, it is provided that neither bishops nor abbots, nor earls nor barons, nor any freeholders (*libere tenentes*) shall hold courts unless the king's sheriff is summoned, etc. Again, in a statute regarding justice and sheriff moots, we have barons, knights (*milites*), and freeholders (*libere tenentes*) classed together; and a statute regarding the mode of citation refers to persons cited to attend the moots of the justiciary shiref, baron, vavasour (that is, of one holding of a baron), or of any freeholder (*libere tenentis*) that has a court. Then a declaration regarding the freedom of the Church is made by King William at Scone, with the common consent and deliberation of the prelates, earls, barons, and freeholders (*libere tenentium*); and finally there is a statute by the same king that the earls, barons, and freeholders (*libere tenentes*) of the

although it has received the sanction of Mr. Hill Burton, it has been justly discarded by such historians as George Chalmers, Joseph Robertson, Cosmo Innes, and John Stuart. The later theory, that the thanes were something entirely different from the English thane, and were merely crown officers or stewards appointed to levy the crown dues, has unfortunately received the powerful sanction of these writers, but the author has never been able to accept the theory. It appears to him a partial and incomplete view, and inconsistent with the facts recorded regarding them. Sir John Skene states his position correctly when he says, 'Thanus was ane freeholder holding his lands of the king.'—*De Verborum Sig.*, sub voce. The reader is referred to the author's edition of Fordun, vol. ii. p. 414, for a discussion on this point.

[63] 'Milites, *Leg. Malc. Mab.*, c. 2, and generalie in the auld lawes of this realme, are called freehalders, haldand their landes of barons in chief.'—Skene, *De Verborum Sig.*, sub voce.

realm shall keep peace and justice among their serfs, and that they shall live as lords from their lands, rents, and dues, and not as husbandmen or sheep-farmers, wasting their property and the country with a multitude of sheep and beasts, thereby troubling God's people with penury, poverty, and destruction; this curious statute showing not only the position of the *libere tenentes* as proprietors, but that there was a tendency even at this early period to withdraw land from culture and convert it into pasture land.[64] Then in the Statutes of Alexander the Second there is one *de modo duelli secundum conditionem personarum*, in which reference is made to the *miles* or knight, or son of a knight, or any *libere tenens* or freeholder in *feodo militari* or knight's fee. Again, in another law, the king statutes that if any *miles* or knight shall be indicted by inquest, he shall pass through an assize of good and leil knights, or of freeholders of heritage (*libere tenentium hereditarie*);[65] and their position is clearly indicated by a provision in the Quoniam attachiamenta, that any freeholder (*libere tenens*) whose tenement is by his infeftment free from all service, shall fall to a lady by reason of her terce, and unwittingly did service to her, shall not be liable in similar service to his superior.[66] This view of the position of the *libere tenentes* as freeholders holding land under the thane or baron as sub-vassals of the Crown, is corroborated by a few charters which may be noticed. Thus Robertus de Keth, lord of the same and of the barony of Troup and Marischall of Scotland, grants certain lands within the barony of Troup to his son John de Keth, with the bondmen, bondages, native-men, and their followers, but reserving to himself the superiority and service of the freeholders (*libere tenentium*) of the lands of Achorthi, Curvi, and Hayninghill, lying within the barony of Troup. Again,

[64] *Acts of Parliament*, vol. i. pp. 375, 377, 380, 382.

[65] *Ib.* vol. i. pp. 400, 403.

[66] *Ib.* p. 652.

Morgund, son of Albe, grants to his son Michael one davach of his land of Carncors in Buchan, to be held of himself in fee and heritage for ever, as freely as any freeman (*liber homo*) can grant land; and Alexander Cumyn, Earl of Buchan, grants to Fergus, son of John de Fothes, the tenement of Fothes, with its bondmen, bondages, native-men, and their followers, to be held of himself and his heirs in fee and heritage for ever, as freely as any freeman (*liber homo*) can hold (*tenet*) any tenement of any earl or baron within the kingdom, rendering such form in service to the king as pertains to their lands, and a half-pound of wax to us and our heirs in lieu of all secular service or demand which we can exact in future.[67]. This class appears to be meant by the *Ogethcarn* of the old laws, who ranked next after the thane.[68]

The second of Fordun's groups consists of those whom he terms *liberi et generosi*, who held portions of land either for ten or for twenty years or during life, with remainder to one or two heirs. These were the tenants in the modern

[67] *Ant. Ab. and Banff*, s. 492, iii. 112, iv. 116. The same loose notions have prevailed of the position of the *libere tenentes* as of the thanes, and therefore it has been necessary to treat of both somewhat at length. *Libere tenentes* are usually translated 'free tenants,' just as *tenant du Roi*, in Ragman Roll, is usually translated 'king's tenant,' as if they were tenants in the modern sense of the term, from the unfortunate propensity to render a word in one language by its phonetic equivalent in another, though the meaning may be different; but the true rendering of the one is 'freeholders,' and of the other, 'holding of the king *in capite*.' Ware defines the *libere tenentes* in Ireland as those *qui prædia habebunt, ad hæredes transmittenda* (*Ant. Hib.*, 209); and Craig gives a very clear account of these in Scotland (*Jus feudale*, 87. 6; 248. 28; 362. 42). According to Cowell, 'Freehold frank tenement, *liberum tenementum*, is that land or tenement which a man holdeth in fee, feetail, or at least for term of life.' Freeholders in the ancient law of Scotland were called *milites*; and tenement or tenementum, he says, 'signifies, most properly, a house or homestall, but more largely either for a house or land that a man holdeth of another, and joined with the adjective Frank, it contains lands, houses, and offices, wherein we have estate for term of life or in fee.'

[68] Ochiern, 'Ogitharius,' is ane name of dignitie and of ane freehalder.—Skene, *De Verborum Sig.*

sense of the term. The former were the *liberi firmarii* of the statutes, or free farmers, and the latter the kindlie tenants or tacksmen, who were usually near relations of the lord of the land, and when they had a liferent possession of land, occupied an intermediate position between the *libere tenentes* or freeholders and the *firmarii* or farmers, and may in fact be classed with either.[69] We find in this group a resemblance to the *Ceile* or tenants of the Irish Laws in two respects. First, in the steelbow tenancy, by which many of these tenants held their land, and were sometimes called steelbow-men. By this tenure the landlord provided the stock and implements called steelbow goods, which were transferred to the tenant on valuation; and he was bound on the termination of his lease to return stock and implements to the same value, while the rent paid for the land was higher in proportion to the value of the steelbow goods. Secondly, the smallest possession held by a free farmer appears to have been two bovates or oxgangs of land, or the fourth of a ploughgate, called in some parts of the country a husband-land; and we find that in the north of Scotland the name of *Rath* was given to this portion of land, a name which in the Irish Laws signified the homestead, which formed the lowest single tenancy. Thus William, son of Bernard, grants to the monks of Arbroath two bovates of land, which are called *Rath* (*que vocantur Rathe*), of the territory of Katerlyn (in Kincardineshire), with the right to pasture twenty beasts and four horses on the common pasture of Katerlyn; and the same person grants to the monks two other bovates of land in the territory of Katerlyn, consisting of seven acres of land adjoining their land which is called *Rathe*, on the north, and nineteen acres of land adjoining these seven acres on the seaside towards the east,

[69] See Erskine's *Institutes*, vol. i. p. 370, for a good account of the rentallers or kindlie tenants.

under that culture which is termed *Treiglas*, thus making up the twenty-six acres of which a husbandland consisted.'[70] The word *Rath* enters largely into the topography of Scotland, under the forms of *Rait*, as in Logierait; *Ra*, as in Ramorny; *Rothy*, as in Rothiemay and Rothiemurchus, anciently *Rathmorchus*.

The last of Fordun's groups consists of those termed *Agricolæ* or husbandmen, holding land from year to year for rent (*ad firmam*). They are distinguished from the *liberi* or freemen, and belonged to the class of holders of servile tenements termed in the laws *Rustici*. This class of servile tenants seems to form the object of the first laws made by Alexander the Second on his accession in A.D. 1214. They are issued at Scone, with the common council of his earls, for the profit of the country, and provide that the '*Rustici* in those places and townships in which they were the previous year shall exercise their agriculture and not neglect their own profit, but shall begin to plough and sow their lands with all diligence fifteen days before the Feast of the Purification (second of February); and that those *Agrestes* who have more than four cows shall take land from their lord and plough and sow it, to provide sustenance for them and theirs; and those who have less than five cows may not use them in ploughing, but shall labour the land with hands and feet, trenching and sowing as much as is necessary for the sustenance of them and theirs. Those that have oxen shall sell them to those that have land to plough and sow. Earls not allowing those who have such lands on their earldoms to do so shall forfeit eight cows to the king; and if any one holding of the king shall neglect to do so, he shall forfeit eight cows to the king. If he hold of an earl, he shall

[70] *Chart. of Arbroath*, pp. 44, 88. The word *terra*, here translated land, means usually arable land only. Treiglas is probably *Traighghlais* or sea-shore, from Traigh, strand; and Glas, an old word for the sea.

give the earl eight cows. If he be a serf, his lord shall take from him one cow and one sheep, and thenceforth shall force him who will not do it of free will; and the king adds the following warning to them to take heed that that does not happen to them which is taught in parables. He who will not plough in winter owing to severe cold shall beg in summer, and it shall not be given him, but rather according to the judgment of the apostle—Let them labour with their hands, working what is good, that they may have to give to those who are in necessity.'[71]

The thanage then consisted, like all baronies, of two parts, demesne and that part given off as freeholds (*libera tenementa*) or tenandries. The demesne was held by the Thane of the king in feu-farm, and cultivated by the servile class, the bondmen and native-men, and the tenandries were either held of him in fee and heritage by the sub-vassals called freeholders or *libere tenentes*, or occupied by the kindlie tenants and free farmers.

Such was their position prior to the death of Alexander the Third, the last king of the old dynasty, and a similar description would apply to those thanages which did not form part of the crown lands, but were held under earls of the ancient earldoms north of the Forth as part of their demesne,[72] or of the Church.

[71] *Acts of Parliament*, vol. i. p. 397.

[72] Quod rex debet habere forisfactum *comitum si thani eorum* remanserunt ab exercitu, etc.—*Acts of Parliament*, vol. vi. p. 398.

CHAPTER VII.

THE THANAGES AND THEIR EXTINCTION.

Review of the Thanages and their conversion into Baronies.

SUCH being the process by which the ancient tribe in the eastern districts passed into the thanage, the events which followed the death of Alexander the Third produced a change which entirely altered this position, so that the thanage in its original form may be said to have ceased with the dynasty of kings of which he was the last. The war with England which followed, the conflict between two families of Norman descent for the succession to the crown, the numerous confiscations of their respective partisans which accompained it and led to their possessions falling to the Crown and the final establishment of a Norman dynasty of kings, naturally created a great revolution in the land-tenure of Scotland; the extension of the feudal holding of ward and relief became the established policy of the Crown, and the ancient Celtic tenures gradually gave way before the advancing feudalism, and eventually disappeared under its influence.

After the wars of independence and succession we find most of the thanages had reverted to the Crown, and they were usually re-granted to Norman barons on a feudal tenure for military service. This will be illustrated by three charters of David the Second, all granted in the same year. By the first he infefts his cousin, Walter de Lesly, knight, heritably in the thanage of Aberkerdor and its pertinents in the county of Banff, and in the thanages of Kyncardyn; and then follows

this instructive clause:—'Yet because perchance the heirs of the thanes who anciently held these thanages in feu-farm might recover these thanages to be held in future as their predecessors held them, we grant to our said cousin, that if these heirs, or any of them, recover these thanages, or any of them, our said cousin and his heirs shall hold and possess the services of the heirs or heir of the said thanes or thane, and the feu-duties or feu-duty anciently due from the thanages or thanage.' This clause seems to have interposed no obstacle to the feudal tenure of the thanages being completed, for it is followed by two charters to Walter de Lesly, —one of the fee of the thanages of Kyncardin, Aberluthnot, and Fettercairn, with their bondmen, bondages, and followers, and erecting the same into a feudal barony, with the usual jurisdiction, and under the obligation of rendering military service; and another of the thanage of Aberkerdor, likewise erected into a barony in similar terms.[1]

A review of the thanages still existing at this time, with such information as the records afford us, will complete this view of their position.

Thanages in Moray and Ross.

Beginning with the north, we find in the great province of Moray and Ross but one thanage situated north of the Moray Firth, that of Dingwall; but we have merely a mention of its name in 1382 and 1383, when Euphame, lady of Ross, resigned the thanage and castle of Dingwall in the hands of the king for a re-grant.[2] Of the mythic thanage of Crumbachtyn or Cromarty, with which Wynton invests the usurper Macbeth, we find no trace whatever. Proceeding to the southern shores of the Moray Firth, we find a belt of thanages extending from the river Nairn to the Spey. Between the river Nairn and the burn of Lethen, which falls into the Findhorn near its junction with the sea, lay the four thanages of Dyke, Brodie, Moyness, and Cawdor. In

[1] *Reg. Mag. Sig.*, pp. 66, 71. [2] Robertson's *Index*, p. 124, No. 25.

a charter by Alexander the Second to the bishop of Moray, in the twenty-fourth year of his reign (1238), he grants twenty-four marks of the feu-duty (*feodofirma*) of Moythus or Moyness and sixteen marks of the feu-duty of Dike and Brothyn, by the hands of his *feodifirmarii* of these lands.[3] In an Extent of the lands of Kylravoc and Estir Gedeys in 1295, William, thane of Moythes, and Donald, thane of Kaledor or Caldor, are among the jurors; and in 1311 Michael, son of Malcolm, thane of Dyke and Brodie, is mentioned; but it is only with regard to the thanedom of Caldor that we have any information beyond the mere mention of the name. There is preserved at Caldor an original charter by Robert the First to William, thane of Caldor, in which he grants to him in feu-farm (*ad feodofirmam*) the whole thanage of Caldor, with its pertinents, for an annual payment of twelve marks, as was wont to be paid in the time of Alexander, king of Scotland, our predecessor last deceased, to be held by him and his heirs of us and our heirs heritably in feu-farm, rendering to us the service due and wont to be rendered in the time of King Alexander.[4] This charter refers back to the time before the war of independence, when the thanage-tenure was still preserved intact. The thanage appears afterwards to have been held of the earls of Ross, but in the forfeiture of the earl of Ross in 1475 it fell once more to the Crown, and is confirmed by King James the Second to William, thane of Caldor; and his whole lands are erected of new into a thanage, with the privileges of a barony, and the feudal holding by ward and relief is combined with the customary annual payment,—thus retaining the name of a thanage while the character of the tenure is altered.[5] Among the lands incorporated in the new thanage were lands in the parish of Urquhart in the Black Isle,

[3] *Chartulary of Moray*, p. 34.
[4] *The Thanes of Cawdor*, p. 3. [5] *Ib.* p. 56.

detached from the old thanage, and they afford a curious instance of the retention of the old Celtic name by a Gaelic-speaking population, for these lands became known by the term of *Fearintosh* or the *Toishach's* land. Between the Lethen Burn and the Lossie lay the extensive thanage of Moravia or Moray, of which the forest of Darnaway appears to have formed a part.[6] We find this thanage mentioned in the Records, but have no particulars of its history; but it is no doubt from it that the family of De Moravia took its name, the earliest possession of this family having been Duffus, which, if not a part of it, was at least adjacent to the thanage.

On both sides of the Lossie lay the thanage of Kilmalemnok, the greater part of which forms the parish of St. Andrews; and a charter by Archibald, Earl of Douglas, to James Douglas of Balvany, confirmed by King James the First, includes 'all his lands lying in the thaynedomes in the lordship of Kilmalaman.'[7] The only other thanage in this province of which any mention is preserved was that situated in the interior of the country, as in 1367 Joannes de Dolais was thane of Cromdale, a district on the river Spey, at some distance from its mouth.[8] Besides the mention of these thanages, which are mainly to be found in the more level districts adjacent to the sea, we are not without indications that the different classes which, according to Fordun, were connected with the thanages, likewise existed in the interior districts of this province. Thus in an agreement between the bishop of Moray and Walter Cumyn, between A.D. 1224 and 1233, regarding lands in Badenoch, it is provided with regard to the native-men (*nativi*), that the bishop shall have all the cleric and two lay native-men—viz. Gyllemaluock Macnakeeigelle and Sythad mac Mallon, with all

[6] *Record of Returns for Elgin*, Nos. 25, 178.
[7] *Reg. Mag. Sig.*, p. 47. [8] Shaw's *Moray*, p. 227.

their chattels and possessions, and with their children and all their posterity, and the chattels of their children; and Walter Cumyn to have all the other lay native-men of lands in Badenoch; and when, after the war of independence, Robert the Bruce erected the whole lands extending from the Spey to the Western Sea into an earldom of Moray in favour of his nephew Thomas Randolph, the earldom was granted, with all its manors, burgh townships, and thanages, and all the royal demesnes, rents, and duties, and all barons and freeholders (*libere tenentes*) of the said earldom, who hold of the Crown *in capite*, and their heirs were to render their homages, fealties, attendance at courts, and all other services, to Thomas Randolph and his heirs, and to hold their baronies and tenements of him and his heirs, reserving to the barons and freeholders the rights and liberties of their own courts according to use and wont; and Thomas Randolph was to render to the king the Scottish service and aid due as heretofore for each davach of land.[9]

Thanages in Mar and Buchan.

Crossing the Spey and entering the province of Mar and Buchan, a rental of the crown lands in the reign of Alexander Third furnishes us with the names of ten thanages, with their yearly values. These are Aberdeen, Kyntor, Fermartyn, Obyne, Glendowachy, Aberkirdor, Conuath, Bugh, Munbre, Natherdale.[10] Of these thanages we find a line extending from the shore of the Moray Firth to the eastern sea at Aberdeen, and separating the eastern portion of Buchan from the inland districts on the west. The first of these thanages extends along the shore from Cullen to Banff, and includes the parishes of Boyndie, Fordyce, Deskford, and Ordiquhill, forming the greater part of the district of Boyne, which, with that of Enzie, makes up the modern county of Banff. It consisted of two parts,—the thanage of Boyne properly so

[9] *Chartulary of Moray*, pp. 83, 342.
[10] *Chartulary of Aberdeen*, vol. i. p. 55.

called, containing the parish of Boyndie and parts of Fordyce and Banff, and the forest of Boyne adjoining it in the south. Of the early history of this thanage we have no information, till we find it converted into a feudal barony by King David II., who grants a charter in 1368 to John de Edmounstone of his whole lands of his thanage of Boyne, with an annual rent of four pounds from the town of Banff, to be held as a barony, with the tenandries and services and homages of the freeholders (*liberetenentium*). The forest of Boyne appears to have remained in the Crown.[11]

East of this thanage was that of Glendowachy, also called Doune, which, in the Rental of Alexander the Third is valued at twenty pounds yearly. It appears to have been granted by Robert the First to Hugh, earl of Ross, but in 1382 Robert the Second grants to John Lyounn, knight, the whole lands of the thanage of Glendowachy, which had fallen to him by escheat from the late William, earl of Ross, who had alienated it without the royal consent—to be held by him for the accustomed services. Adjacent was the small thanage of Munbre, valued in the Rental at thirty-four pounds eight shillings and eightpence.[12]

South of these thanages lay those of Aberkerdor and Natherdale, co-extensive with the parish of Marnoch, and that of Conveth, with the parish of Inverkeithnie. Of these thanages we have some information prior to the war of independence. Between 1286 and 1289, Simon, thane of Aberkerdor, founds the chapel of Saint Menimius on the banks of the Dovern, and grants certain lands to it; and in an inquisition regarding this foundation in 1369, it is found that Simon was thane of the two thanages of Conveth and Aberkerdor, and owing to derelict against the king he had seized both thanages, on which Simon made over six davachs

[11] *Ant. Ab. and Banff*, vol. ii. p. 130, 132.
[12] *Ib.* p. 363.

of Conveth to the earl of Buchan, in order that he might recover the other thanage of Aberkerdor, and founded the chapel in consequence. He appears to have had an only daughter and heiress, and the thanage of Aberkerdor is found in the Crown in the reign of David II., who includes it in the grant to Walter de Leslie formerly noticed,[13] in whose favour it was erected into a barony.

From the thanage of Conveth, co-extensive with the parish of Inverkeithnie, to the eastern seaboard between the Ythan and the Don, lay the extensive thanage of Fermartyn, the principal seat of which was Fyvie. Its annual value in the reign of Alexander the Third was 120 marks, and it appears to have been farmed by a tenant, as Reginald *Firmarius de Fermartyn* accounts in the Chamberlain Rolls of that reign for its *firma* or rent.[14] It consisted, like other large thanages, of thanage and forest, and among the missing charters of Robert the First is one to Sir John Broun of the thanage of Fermartyn, and another to Patrick de Monteath of the office of forestership of Killanell and Fermartyn, showing that the forest had become a royal forest; David the Second, however, grants one-half of his thanage of Fermartyn to William, earl of Sutherland, for his life, with its tenandries and services of the freeholders (*liberetenencium*), and with its bondmen, and their bondage services, nativemen and their followers, to be held in free barony, and his heirs to hold it in ward and relief. The other half of the thanage was held, as appears by the Chamberlain Rolls, by Thomas Isaak, but it appears to have again fallen to the Crown, and is finally granted by King Robert the Third as a barony to Henry de Prestoune, with the town and castle of Fyvie.[15] Adjacent to Fermartyn on the sea-coast was the smaller thanage of Belhelvie. We know nothing of its

[13] *Ant. Ab. and Banff*, vol. ii. p. 216.

[14] *Exchequer Rolls*, vol. i. p. 21.

[15] *Reg. Mag. Sig.*, 52, 183.

history as a thanage prior to the war of independence, but in 1323 Robert the Bruce confirms to Hugo de Barclay for his homage and service the lordship of the thanage of Belhelvie, with the lands of Westerton, Keer, and Egie, within the said thanage, with the office of sergand, and the *Can* of the church land of Belhelvie, extending to forty-pound land and rent, to be held as a free barony, rendering the Scottish service pertaining to a forty-pound land, and the lands to return to the king on failure of heirs of the body.[16]

Between the rivers Dee and Don, which formed the old earldom of Mar, were five thanages. The old town of Aberdeen, on the south bank of the Don, near its junction with the sea, appears as a thanage in the reign of Alexander the Third. It is included as such in the Rental of the crown lands with the annual value of fifty merks, and in the Chamberlain Rolls for 1264 the sheriff accounts for twelve pounds received from the thane of Aberdeen; while in 358 one-half of the thanage of Aberdeen appears in the Crown, and the other half in the hands of John Herys by concession of the king.[17] One of the missing charters of the reign of Robert the First is one to the burgh of Aberdeen of the forest of Stocket, which was no doubt the forest of the thanage. It merges after this time in the town and town lands of Aberdeen.

One of the most important and instructive thanages between Don and Dee was that of Kyntor, now Kintore. It appears in the Rental of the crown lands in the reign of Alexander the Third, with the annual value of 101 merks, and in the Chamberlain Rolls of 1264 the sheriff receives £17 : 13 : 4 from the thane of Kintor. This thanage was of considerable extent, and, with the exception of a small part on the north side of the Don, extends along that river on its south side for about ten miles, and approaches on the south-

[16] *Ant. Ab. and Banff*, vol. i. p. 286. [17] *Exchequer Rolls*, i. pp. 11, 551.

east to within a mile of the river Dee. In that part of the thanage which is separated from the rest by the river Don is the church of Kinkell, a name which signifies the chief *Cill* or church. This church had several chapels dependent upon it. Five of these were the chapels of Kintore, Kemnay, Kinnellar, Skene, and Dyce, all now erected into separate parishes, and this gives us the extent of the ancient thanage. Part of the old parish of Kinkell lay on the south side of the river Don, and this part formed the lands of Thaneston, or the Thane's town. South of it lay the forest of Kintore, with the ancient keep of Hallforest. The name of the thanage, Kintore, contains the same prefix of *Kin* or *Ceann*, signifying chief, and the latter part of the word is probably *Torr*, a mound or castle. These two names of Kinkell and Kintore —the one the name of the principal church, the other that of the thanage, or tribe territory which surrounded it—illustrate a passage in the Book of Deer, where we find mention of the burdens that fall 'on the chief tribe residences of Scotland generally and on the chief churches' (*Ardmandaidib, Ardchellaib*). The charters which follow the war of independence show very clearly the different classes by whom the thanage was occupied. In 1324 Robert the First confirms to Robert de Keith all the lands and tenements he held of the Crown *in capite*, and these include the forest of Kintore;[18] but in the following reign it appears to have been in the Crown, as David II. dates several of his charters from his manor of the forest of Kyntor;[19] but in 1407 Robert, duke of Albany, confirms a charter by William de Keith to his son Robert de Keith of the lands and barony of Aldene, and of the forest of Kyntor, with the freeholders (*liberetenentibus*) of said lands and their services.[20] The thanage itself forms the subject of other grants. In 1375

[18] *Ant. Ab. and Banff*, i. 250.
[19] *Reg. Mag. Sig.*, 24. 19, 43, 117.
[20] *Ib.* 224. 14.

Robert the Second grants to John de Dunbarre, earl of Moray, all and whole our lands of the thanage of Kyntor, reserving, however, the tenandries, freeholders (*liberetenentibus*), lands of the freeholders, and the *Cans*, due to us from the said thanage, to be held as a barony, with the bondmen, bond services, native-men and their followers, for military service. This is followed by another charter in 1383, in which the lands of the thanage of Kyntor are granted, along with the tenandries, freeholders, and lands of the freeholders, and *Cans* due from the thanage reserved in the previous charter, but still reserving the tenandry of Thaynston. This tenandry appears, however, to have passed likewise to the earl of Moray, and to have been held under him by a family of the name of Gothynnis, and to have fallen to co-heirs, for in 1450 Katerina de Gothynnis sells to Thomas Wardrop the fourth part of the lands of Thaneston, in the thanage of Kyntor, and the fourth part of the annual rent of Kynkell. In 1465 James III. confirms to Thomas Wardrope of Gottinys the lands of Thaneston, with the annual rent of ten shillings from the lands of Kynkell; and in 1467 Alexander Wardrope sells the lands of Thaneston, and the annual rent of thirty shillings from the lands of Kynkell, along with the township of Foulartoun, adjacent to said lands of Thaneston, in the thanage of Kyntor, and all *Cans* of oats and cheese, and all money in name of *Ferchanc* due to him and his heirs from the lands of Kynkell and Dyse, within the said thanedom, rendering to our lord the king the usual and customary services.[21] The word here used of *Ferchanc* is the Gaelic equivalent of *manred* or *manrent*, the homage and service due by a bondman, which was by this time very generally commuted to a money payment, as we see from a rental of the bishopric of Aberdeen, dated in 1511, where the rent of each holding paid in kind concludes with a sum of

[21] *Ant. Ab. and Banff*, i. 571.

money amounting to 3s. 4d. for each two ploughgates, *pro bondagio*, in lieu of the services of the bondmen.[22]

On Deeside, at some distance from its mouth, were three thanages—those of O'Neill, Birse, and Aboyne. The thanage of O'Neill is merely mentioned in a list of the second tithes due to the bishop of Aberdeen, who drew tithe from it, but as it is not contained in the rental of the crown lands in the reign of Alexander the Third, and the lands of O'Neill had fallen in that reign to the great nobleman Alan Durward, in part of a succession derived from the earls of Mar, it is probable that was a thanage held of these earls. The thanage of Birse lies on the south side of the river Dee, and is separated from O'Neill by that river, and of this thanage we have a very early notice, for King William the Lion in 1170 grants to the bishop of Aberdeen his whole lands of Brass, now Birse, consisting of sixteen townships under the kirkton or church land, and likewise the royal forest of Brass, with all the native-men of these lands, the thanes, however, being excepted. This exception is somewhat similar to the grant of the thanage of Kyntor with the exception of Thaneston, and as Thaneston was eventually conveyed by the Crown, so by a subsequent charter in 1241 Alexander the Second confers upon the bishops the right to hold the whole lands of Birse in free forest without excepting the thane's land, and thus terminated the thanage.[23] Farther up the Dee was the thanage of Obeyn, now Aboyne, from which likewise the bishop draws second tithes. In 1328 we find this thanage mentioned in the Exchequer Rolls as being then in the hands of Sir Alexander Fraser heritably. The

[22] *Chartulary of Aberdeen*, vol. i. p. 360. These services consisted mainly of the obligation on the tenants to cut the proprietor's corn. They continued to be exacted from the small tenants in many parts of the north-eastern Lowlands, under the name of Bonnach or Bonnage, till late in the eighteenth century. Each tenant had to give three days' labour annually, which were called his Bondage days.—*Stat. Acc.*, 1433, vi. 146.

[23] *Ib.* vol. i. pp. 12, 15.

firma or rent of this thanage, amounting to £100, belonged in 1348 to the queen.[24]

Thanages in Angus and Mearns.

Separated in part by the river Dee and in part by the great chain of the Mounth, and extending south as far as the Firth of Tay, lay the great province of Angus and Mearns. The latter earldom, which was much the smaller of the two, seems from an early period to have fallen to the Crown, and upwards of two-thirds of its territory was composed of thanages. These form two groups. The first extended from the river Dee to the Eastern Sea at Stonehaven, cutting off the north-east corner of the earldom, and consisted of the two thanages of Durris and Colly or Cowie. Both thanages were in the Crown as early as 1264, when we find the sheriff of Kincardine charging the expense of repairing the houses of Collyes and Durris, and both possessed forests which had become royal forests, for we find John, earl of Buchan, *custos* or keeper of these forests in 1292.[25] The earl of Buchan was forfeited in 1305, and twenty years after, in 1328, King Robert the First grants to Sir Alexander Fraser and his son John, the king's nephew, the forest of Cragy, in the thanage of Cowie, afterwards called the forest of Cowie, and in the same year there is the note of a missing charter to Sir Alexander Fraser of the thanage of Cowie.[26] There is also a notice of a missing charter of King David the Second to William Fraser and Margaret Murray his spouse of the thanage of Durris and thanage of Collie, which thanage of Collie was Alexander Fraser his father's, with the lands of Eskyltul, in Kincardine. In 1359 we find the bishop of St. Andrews accused of having unjustly obtained the *Cans* of the kirkton of Durris, but the sheriff, William de Keth, charges himself with the *firma* of the thanages of Colly

[24] *Exchequer Rolls*, vol. i. p. clxxxi. 442.
[25] *Rotuli Scotiæ*, vol. i. p. 10. *Exchequer Rolls*, vol. i. p. 12.
[26] Robertson's *Index*, pp. 17, 18.

and Durris, but not the forest of Colly, which is said to be in his hands by concession of the king.[27] In 1369 King David II. grants to Alexander Fraser the lands of the thanage of Durris, which is erected into a barony,[28] and the thanage of Cowie shared the same fate, as, though no charter is extant, Alexander Fraser, lord of the baronies of Colly and of Durris, grants in 1400 a charter in favour of his son of certain lands in the barony of Durris, which is confirmed by the king.[29] Robert de Keith, son of William de Keith and Margaret Fraser, gets a charter from Robert II. of 'the forest of Colly, the forest called the forest of the Month, the lands of Ferachy, Glastolach, Cragy, Clochnahull, whilk of old was of the thanage of Colly and vicecom. Kincardin.'[30]

The other group of thanages forms the southern part of Mearns, and extends from the Grampians to the sea. The most westerly are those styled the thanages of Kyncarden, and consist of those of Kyncarden, Fettercairn, and Aberbuthnot. These three thanages, with the park of Kyncardyn, the castle and the *Cans* of the same, appear in 1359 as in the hands of the Earl of Sutherland by royal concession.[31] Kincardine was from an early period a royal seat, and Robert the First confirms to Alexander Fraser six arable acres in the tenement of Auchincarie adjoining the royal manor of Kincardine. It embraces the greater part of the parish of Fordun, and as we find in it the name of Kinkell, there may probably have been a chief church corresponding to the name of Kincardine, as the same term of Kinkell did to Kintore. The thanage of Fettercairn is co-extensive with the parish of that name, and contained in it lands called the

[27] *Exchequer Rolls*, vol. i. p. 586.
[28] *Reg. Mag. Sig.*, p. 68, No. 229.
[29] *Ant. Ab. and Banff*, vol. iii. p. 362.
[30] Robertson's *Index*, p. 117, No. 72.
[31] *Exchequer Rolls*, vol. i. p. 585. In later allusions to Fettercairn and Kincardine in these Rolls they are always spoken of as convertible names for the same Thanage.

Thanestone, that of Aberluthnot with the parish of Marykirk. How these three thanages became converted into feudal baronies has already been noticed. On the west side of Fettercairn was the small thanage of Newdosk, which once formed a parish, now united to Edzell. Among the notices of missing charters is one by David II. to Ronald Chene of the thayndom of Newdoskis, and in 1365 he grants to Sir Alexander de Lyndesay all his lands in the thanage of Newdosk, to be held as a free barony.[32]

On the west side of Kincardine was the important thanage of Aberbuthnot, now Arbuthnot. It contained twenty-three townships, beside the kirkton or church land of Arbuthnot. This thanage appears originally to have been co-extensive with the parish of Arbuthnot, and to have been broken up by King William the Lion, who grants the lands of Altrethis, now Allardyce, to the ancestor of that family, and the thanage itself to Osbert Olifard the crusader, while the lands of Kair, consisting of four townships, and those of Inchbreck, appear as separate possessions. The entire parish appears to have contained fifty-four ploughgates of land, giving an average of two ploughgates or a half davach to each township; but in the eighteenth century the separate possessions consisted of fourteen farms of two ploughgates each, twenty-two of one ploughgate, five of half a ploughgate, and six of a quarter ploughgate or husbandland.[33] This is probably a fair enough picture of how the land had been occupied in older days by the different classes of its possessors, and if the ploughgate in the main represents the Welsh *Tref* the entire thanage in its oldest state was the equivalent of the Welsh *Cymwd*.

A curious insight into the ancient state of this thanage is given us by a document, the original of which is preserved at Arbuthnot House. It is a decreet of the Synod of

[32] Robertson's *Index*. [33] *Stat. Account* (1791), vol. xvii. p. 387.

Perth in a cause betwixt William, bishop of St. Andrews, and Duncan de Aberbuthenot, in the year 1202. The church of Arbuthnot was in the diocese of St. Andrews, and the question related to the respective rights of the bishops of St. Andrews and of the Arbuthnots, who represented the old thanes, in the kirkton or church lands of Arbuthnot, and it preserves the evidence of the witnesses who were examined. The inquiry extends over a period of more than half a century, and during the episcopate of four bishops. During the episcopate of Richard, who became bishop in 1163, Osbertus Olifard appears as lord of the land, and the kirkton is occupied by a multitude of *Scolocs*. Then in the time of Bishop Hugo his successor Osbertus Olifard goes on a crusade, and lets the land to Ysaac de Bonevin for six years, who is termed *firmarius*, and the kirkton was then occupied by eight holders called *personæ*, having under them people having houses and pasturing beasts. Then, in the time of Bishop Roger, Walter Olifard, the next lord, gave his land of Arbuthnot to Hugo Swintun for his service, and his son Duncan was called De Aberbuthnot, removed the *Scolocs*, also called the native-men, from the kirkton, and first cultivated their land, that is, added it to his own demesne. These lords, from Osbert Olifard to Duncan of Aberbuthnot, evidently represented the old thanes, as it is said that no thane before Duncan had ever cultivated this land, nor that any thane had put a plough in that land before Duncan did so. Osbert Olifard, however, was, from his name, a Norman intruder, who had obtained it from the Crown after the thanages became crown land, and it seems to have passed in this way through many hands, as one witness had seen thirteen thanes possessing the land, but none of whom had vexed the men of the kirkton before Duncan. The result of the inquiry was that the bishop was entitled to *Conveth* from the men of the kirkton, and to a rent of two cows, and one-half of the *blodwits* and *mercets*, but the thane received the *Can* and ten cheeses from each

house in the kirkton, three men for harvest from each house, and men for the *Expeditio* or *Feacht*.[34] This Duncan de Aberbuthnot was the ancestor of the noble family of Arbuthnot, who afterwards held the thanage as a barony.

Next to Aberbuthnot was the small thanage of Morphie. It is mentioned in 1362 in the Exchequer Rolls, and among the missing charters by David II. are two of annual rents furth of the thanage of Morphie.[35] It is situated in the parish of St. Cyrus, formerly called Ecclesgreig, and here we come in contact with another designation of land which we noticed in a previous volume, viz., that of the *Abbacia* or *Abthanric*.[36] This was land which had formerly belonged to an abbey or monastery of the Columban Church, but had fallen to the Crown either by the monastery falling into the hands of lay abbots or by its extinction, and when they became crown lands we find them classed with the thanages. These *Abthanries* are in the main confined to the country lying between the great mountain chain of the Mounth and the Firth of Forth; and the first we meet with is that of Ecclesgreig, which was granted by King William the Lion to the priory of St. Andrews. By his charter the king conveys the church of Ecclesgreig, with the chapel of St. Regulus, and with the half carucate or ploughland in which it is situated, and with the land of the *abbacia* of Ecclesgreig, according to its ancient rights, and with its common pasture, canons, and men, and with my thane and my men throughout the whole parish of Ecclesgreig. The thane here mentioned seems to have been the thane of Morphie, as that thanage was within the parish, the rest of the land forming the *abbacia* or *abthanric*; and the thanage appears to have passed into the hands of David, earl of Huntingdon, as King Alexander the Second confirms the above grant with the exception of his thane and his men, and Earl David grants

[34] *Misc. of Spalding Club*, vol. v. p. 209.

[35] Robertson's *Index*, p. 32.

[36] See *ante*, vol. ii. p. 343.

to the priory of St. Andrews 'the whole *Can* and *Conveth* which the canons were due to him for the land of Ecclesgreig, and the services which their men were bound to render to him, which is confirmed by Earl John, his son.'[37]

When we enter the earldom of Angus, which forms the southern and larger part of this province, we find that the thanages lie more apart, and bear a less proportion in extent to the whole land of the earldom. This arises from its greater importance, from its situation, its size, and the character of the land as a part of the territory in the heart of the kingdom, and the greater extent to which the land had been granted to foreign barons as feudal holdings. The oldest mention of the thanages in this earldom is in connection with the grants to the very ancient church of Restennot, near Forfar. A charter by David the Second in 1344 narrates that the kings Malcolm (Ceannmor), Alexander (the First), and David (the First), had granted to the prior and canons of Restennot, besides other donations, the tithe of all the fruits of their thanages and demesne lands, whether in money or in kind, within the sheriffdom of Forfar, which he confirms; and King Robert Bruce, in a charter confirming various rights and privileges to the prior and canons of Roustinot in 1322, which they had possessed in the time of Alexander the Third, includes the sum of twenty shillings and tenpence received annually from the thanage of *Thanachayis* or Tannadyce, and the second tithes of the thanages of Old Monros, Duney, Glammes, Kingaltevy, and *Aberlemenach* or Aberlemno, and likewise of the three bondages or servile lands of Forfar, viz., Trebog, Balmeshenor, and Esterforfar, six merks from the barony of Ketnes, and forty shillings and a stone of wax from the barony of Brechen; while a decreet of the deputies of the earl of Ross, as Justiciary of Scotland north of the Forth in 1347, finds that the

[37] *Chartulary of St. Andrews*, pp. 229, 234, 238, 240.

prior was entitled to payment of the tithes of the thanages of Monyfoth and Menmur, as well as the other thanages and and royal lands within the shire of Forfar.[38]

The thanages within the earldom of Angus fall into two groups in the northern and southern parts of the earldom respectively. Of the northern group the beautiful valley of Clova, through which flow the upper waters of the South Esk, forms the most westerly of the thanages, that of Cloveth or Clova. In 1328 King Robert Bruce grants to Donald, earl of Mar, his whole thanage of Cloveth, with two pendicles of land called Petnocys, to be held in fee and heritage for payment of a *firma* of twenty pounds, and rendering the carriages and other small services due and customary in the time of Alexander the Third;[39] and in 1359 the sheriff of Forfar debits himself with nothing from the thanage of Cloveth and the two Lethnottys, which return annually forty-two pounds, because it is in the hands of the earl of Mar, but by what title he knows not.[40] Here we find the pendicles of land termed Petnocys in the charter are called Lethnottys in the rolls, which throws some light on the meaning of Pit as a denomination of land. Leth means the half of anything, and, as we have seen, was applied to the half of a penny land. It here probably refers to the half of a 'villa' or township expressed by 'villula.' Clova appears in the Record of Retours as a barony containing the kirkton and other seven townships, and as having a manor-place, mill, glens, and forests.[41]

Proceeding along the course of the South Esk, we find on its north bank the thanages of Kingaltevy and Tannadyce, forming the parish of that name. The thanage of Kingaltevy appears to have remained in the Crown as late as the reign of Robert the Second, as that king grants in 1386 to Sir Walter de Ogilvy for his service an annual rent of twenty-

[38] *Charters of Rostenoth.*

[39] *Ant. Aberd. and Banff*, vol. iv. p. 711.

[40] *Exchequer Rolls*, vol. i. p. 588.

[41] *Retours for Forfar*, Nos. 377, 507.

nine pounds due and arising to him from the thanage of Kyngaltevy in the sheriffdom of Forfar, but it appears in the retours as a barony.[42] The thanage of Tannadyce, however, was granted by David the Second first to Peter Prendergast, and afterwards to Sir John de Logy and the heirs of his body, to be held blank for payment of a red falcon; and in connection with this thanage we have a manumission by the same monarch, the terms of which it will be interesting to preserve. It is termed a charter of liberty, and is addressed to all good men to whom these presents may come, and proceeds thus:—'Be it known to you, that we have made William the son of John bearer of these presents, who, as we are told, was our serf and native man of our thanage of Tannadyce, within the sheriffdom of Forfar, our free man, as well as all who proceed from him, so that he and all proceeding from him, with all his progeny, shall be free to dwell within our kingdom wherever he will; and we grant to the said William and all proceeding from him that they shall be free and quit of all native servitude in future.'[43] In the retours this thanage too appears as a barony.[44]

Adjoining Tannadyce on the east, but on the south bank of the river, was the thanage of *Aberlemenach* or Aberlemno. Among the missing charters of King Robert Bruce is one to William Dishington of Balgassie, in the thanage of Aberlemnoche, and two to William Blunt, one termed 'ane bounding infeft' of the thanage of Aberlemnoche, and the other 'of the mains of Aberlemnoche bounding;'[45] but in 1365 King David the Second grants to Sir William de Dysschynton his lands of Balmany and mill of Aberlemnache, and his lands of Tolyquonloch, and the annual rent of Flemyngton, in the thanage of Aberlemnache, for military service.[46] North of

[42] *Reg. Mag. Sig.*, p. 171; *Retours for Forfar*, 116.
[43] *Reg. Mag. Sig.*, pp. 32, 72.
[44] *Retours for Forfar*, 536.
[45] Robertson's *Index*, pp. 18, 23.
[46] *Reg. Mag. Sig.*, p. 44.

Aberlemno, and separated from it by the parish of Brechin lay the thanage of Menmuir. This thanage appears in the reign of David the Second as possessed by three persons, for he confirms a charter granted to the prior and canons of Rostynot by Andrew Dempster, Finlay, son of William, and John de Cullus, lords of the lands of Menmuir, regarding the tithes of these lands,[47] and in the retours it appears as a barony.

On the shore in the north-east corner of Angus was the thanage of Old Monros or Monrose, and like Morphie this thanage was connected with an *abthanrie*, for King William the Lion, in his foundation charter of the monastery of Aberbrothok, includes in his grant the church of St. Mary of Old Monros, with the church land, which in Scotch is called *Abthen*; and in a subsequent charter grants to Hugo de Robesburg, his cleric, the lands of the abbacy of Munros, to be held of the monastery of Arbroath.[48] Two thanages are mentioned in close vicinity to it. On the south bank of the Esk was the thanage of Kynnaber, from which an annual rent of seven merks was granted by King Robert I. in 1325 to David de Grame; and on the south side of the water of Luan was the thanage of Edevyn, now Idvies. Two thanes are mentioned, viz., Gilys Thayn de Edevy in 1219, and Malys de Edevyn in 1254, but we have no further information with regard to either.[49] On the shore farther south was the thanage of Inverkeillor. This thanage appears as early as the reign of William the Lion to have been held feudally by the family of De Berkeley, for Walter de Berkeley grants to the church of Saint Macconoc of Innerkeledur (Inverkeillor), and Master Henry, its parson, the king's cleric and mine, the *Grescane*, and every service which the church land and the men dwelling theron were wont to render to the Thanes of Inverkeillor, and afterwards to myself; and

[47] *Reg. Mag. Sig.*, p. 43.
[48] *Chart. of Arbroath*, pp. 4, 67.
[49] *Ib.* pp. 163, 325. *Hist. MSS. Rep.* II. p. 166.

frees them from the *Grescane* and every cane and rent belonging to us or to any lay person, with the right of common pasturage along with him and his men throughout the whole territory of Inverkeillor. This grant is confirmed by King William,[50] and presents an analogous case to that of Arbuthnot, whose cane was payable by the kirkton or church land to the thanes, and afterwards to the feudal lord.

Of the southern group of thanages the most westerly, situated in the south-west corner of Angus, was the thanage of Kathenes or Kettins, the only notice of which is the appearance in 1264 of Eugenius, thane of Kathenes, as possessing a large grange;[51] but there appears to have been in connection with it an *abthanrie*, as certain lands in the parish are termed in the retours 'the lands called Abden of Ketins.' They form but a small part of the parish, the larger portion probably forming the thanage. North-east of Kettins, and separated from it by the parish of Newtyle, was the much more important thanage of Glammis, which possesses a fictitious interest from its supposed connection with the career of Macbeth. It too makes its first appearance in 1264, when we find a payment of sixteen merks to the Thane of Glammis for the lands of Clofer and Cossenys, subtracted from the thanage of Glammis; and in 1290 the sheriff of Forfar accounts for twenty-seven cows as the *Waytinga* of one and a half nights of the thanage of Glammis during two years.[52] After the war of independence this thanage appears to have remained in the hands of the Crown till the reign of Robert the Second, when in the second year of his reign he grants to John Lyon his whole lands of the thanage of Glammis, erected into a barony, with the bondmen, bondages, native-men and their followers, and with the tenandries and services of the freeholders (*liberetenencium*).[53]

[50] *Chart. of Arbroath*, pp. 38, 39.
[51] *Exchequer Rolls*, i. p. 10.
[52] *Ib.* pp. 8, 50.
[53] *Reg. Mag. Sig.*, p. 124.

On the shore of the Firth of Tay we find the thanedom of Monifieth, of which the only notice is a missing charter by King Robert Bruce to Patrick, his principal physician, of the lands of Balugillachie, within the thanage of Monifieth, but here we likewise meet with an *abthanrie* ; the distinction, however, between the two is here apparent, for during the reign of Alexander the Second we find that the former was, like most thanages, held of the Crown, while the latter belonged to the earls of Angus. Thus King Alexander grants to the monastery of Arbroath ten merks annually, paid each year from his *firma* or rent of Monifieth ; while Malcolm, earl of Angus, in the same reign, grants to Nicholas, son of Bricius, priest of Kerimure, and his heirs, in fee and heritage, the whole lands of the *abthein* of Munifeth.[54] Adjoining Monifieth, in the adjacent parish of Monikie, was the last of the Forfarshire thanages—viz., that of Duny or Downie. In 1359 the sheriff charges himself with nothing from the thanage of Duny, because it was then in the hands of the earl of Sutherland heritably through his marriage with the king's sister.[55] But, at the same time, when Robert the Second erected Glammis into a barony in favour of John Lyon, he grants a similar charter in favour of Sir Alexander de Lyndesay of all and whole his lands of the thanage of Downy, erected into a barony, with the bondmen, bondages, native-men and their followers, and with the services of the freeholders (*libertenencium*) of the said barony.[56] In connection with this thanage we find the waste land termed the Moor of Downie.[57]

Thanages in Fife and Fothriff.

Crossing the Firth of Tay and entering the province of Fife and Fothriff, we find the thanages few in number and at some distance from each other, and this arises from the land having been extensively granted at an early period

[54] *Chart. of Arbroath*, pp. 204, 330.
[55] *Exchequer Rolls*, vol. i. p. 589.
[56] *Reg. Mag. Sig.*, p. 88.
[57] *Retours for Forfar*, Nos. 424, 449.

as feudal holdings to the Saxon and Norman followers of the king. In Fife we find traces of three thanages, and in Fothriff of two. Those of Fife are, first, Kinneir in the parish of Kilmany. We have no early notice of Kinneir as a thanage, but it was afterwards a barony; and among the lands belonging to the barony we find mention of the thainis lands, viz., those of Straburne, Fordell, and Fotheris. Not far from it was the thanage of Dervesin or Dairsy. In a charter granted by Ernald, bishop of St. Andrews, to the church of St. Andrews, of the church of Dervesin, with a carucate of land in that township, in his demesne, among the witnesses is Hywan, son of Malcothen, Thain de Dervesin; and in the retours it appears as the barony and demesne lands of Dairsie.[58] In the parish of Cairnbee, not far from the shore of the Firth of Forth, we find the thanage of Kelly. When King David the First granted to the priory of May the lands of Balugallin, they were perambulated among others by Malmure, Thain de Chellin or Kelly, and among the missing charters of Robert the First is one to William Seward of the barony of Kelly.[59] In Fothriff we find in the interior the thanage of Falkland, mentioned at a very early period; for among those who perambulated the marches between Kyrkness and Lochore in the reign of Alexander the First was Macbeath, Thaynetus de Falkland, and we find that it afterwards became a royal forest.[60] The only other thanage was that of Kinross.[61] We find in 1264, I de Kynross, sheriff of Kynross, accounting for the Waytinga of four nights in the year, amounting to forty

[58] *Chart. of St. Andrews*, p. 128; *Retours, Fife*, 1370.

[59] *Chart. of May*, p. 2; Robertson's *Index*, p. 25.

[60] *Chart. of St. Andrews*, p. 117; *Retours, Fife*, 131.

[61] On the shore of the Firth, near North Queensferry, was probably a thanage of Fordell, as in 1451 we find a grant to the monastery of Dunfermline by John, Thane de Fordell, and Alexander Thain, his son; but from the late date it is possible that this may have been a proper name.—*Chart. of Dunfermline*, p. 326.

cows, besides pigs, cheese, and grain. This burden indicates that it had been a thanage, and it appears as such in the reign of Robert the First, when an inquisition was held at Kinross, on the 23d September 1323, regarding the lands of the forest of Kinross, and these lands were separated from the thanage of Kinross. It afterwards appears as a barony, with the castle, lake, and fishings of Lochleven.[62]

Thanages in Stratherne.

Crossing the range of the Ochils and entering the ancient earldom of Stratherne, we find one of the earliest residences of the old Scottish kings appearing as a thanage. In the reign of Alexander the Third the thane of Forteviot has to answer to the king for twenty merks, and we find the sheriff of Perth subsequently accounting for the *firma* or rent-charge of the land of William of Forteviot;[63] while King Robert the First grants in 1314 to the church and canons of Inchaffray his lands of Cardnay and Dolcorachy in the thanage of Forteviot. It appears in the retours as a barony.[64] In this earldom we meet for the first time with a thanage held of the earl and not of the Crown. The foundation-charter of the abbey of Inchaffray, granted by Gilbert, earl of Stratherne, in the year 1200, is witnessed among others by Anechol Theinus or thane of Dunine, now Dunning; and in a subsequent charter the same earl terms him 'Anechol, my thain of Dunyn.' In 1247 a charter is granted by Malise, earl of Stratherne, to the abbey of Inchaffray, of twenty merks annually from the thanage of Dunyne and Peticarne, to be received for all time in future from the hands of those who hold the said lands for the time being; and in confirmation of this grant he addresses a mandate to Bricius, thane of Dunin, to see twenty merks at Dunin from the *firma* due to the earl, paid to Inchaffray. The descent of these

[62] *Exchequer Rolls*, vol. i. p. 16; Robertson's *Index*, 28; *Retours, Kinross*, 2.

[63] *Exchequer Rolls*, i. pp. 18, 534.

[64] *Chart. of Inchaffray*, p. 24; *Retours, Perth*, 305.

thanes of Duning can, however, be ascertained from the Chartulary. The most powerful family next to the earls was that of the seneschals or stewards of Stratherne. They descend from Gilleness, seneschal of Stratherne in the time of Earl Gilbert, who had two sons—Malise, who appears as seneschal in 1220, and Anechol, who was thane of Duning. From Malise proceeded a line of seneschals, the succession to which was carried by a daughter to the Drummonds. Anechol was succeeded as thane of Duning by Bricius, who likewise appears as thane of Duning; but in the time of Robert, earl of Stratherne, the son of Malise, the seneschalship had fallen to him likewise, and he witnesses a charter of that earl as 'Bricius de Dunin, his seneschall.'[65] The lands of Duning and others were erected into the barony of Duncrub in favour of Andrew Rollo of Duncrub in 1540; and among the lands we find the thane lands also called Edindonyng.[66] One of the charters by Earl Gilbert, which is witnessed by Anechol, thane of Dunin, is likewise witnessed by Duncanus, Thanus de Struin. This is the only notice of this thanage, but the name corresponds with that of the parish of Strowan on the south bank of the Earn above Crieff. It is now united with the parish of Monzievaird, from which it is divided by the river. It was probably a thanage also held of the earl, and the old family of the Toschachs of Monzievaird no doubt derived their name and descent from its *Toschach* or thane.[67]

Thanages in Atholl.

North of the earldom of Stratherne, and within the range of the Grampians, lay the ancient earldom of Atholl. It is from this district that the royal dynasty emerged which terminated with Alexander the Third, the founder of the house having been lay abbot of Dunkeld, and possessor of the *abthanrie* of Dull,[68] and from his son Duncan proceeded not

[65] *Chart. of Inchaffray*, s. 15, 16, 28.

[66] *Third Report of MS. Commission*, 406; *Retours, Perth*, 954.

[67] *Chart. of Inchaffray*, p. 20; *Retours, Perth*, 140, 471, 729.

[68] Crinan, the founder of the

only the kings of Scotland, but likewise the ancient earls of Atholl. The *abthanric* of Dull was a very extensive district, and embraced a large portion of the western part of the earldom, and may be viewed as the original patrimony of the royal house. It contained within it two thanages, viz., those of Dull and of Fothergill, now Fortingall. Thus we find Alexander the Second issuing a mandate addressed to his theyns and other good men of Dul and Forterkil, in which he grants to the canons of Scon the right of taking materials from his thanages of Dul and Forterkil for the work at their church of Scon.[69] In the reign of Alexander the Third we find in 1264 Alan the Hostiary bound to account for the *firma* of Dull, and in 1289, Duncan, earl of Fife, is *Firmarius* or renter of the manor of Dull, the rent for two years being five hundred pounds seven shillings and fourpence.[70] He is also keeper of the prison of Dull, but while the *abthanrie* with its two thanages is thus in the Crown, the church of Dull, with its chapels of Foss and Branboth in Glenlyon, belonged to the earls of Atholl, and was granted by Malcolm, earl of Atholl, to the priory of St. Andrews after the death of William his cleric. This grant is confirmed by the bishop of Dunkeld, reserving a right to give the latter, to the extent of ten merks, to a vicar, and an annual rent of twenty shillings due to him and his clergy from the *Abthanrie* of Dull.[71] By king David the Second the bailiary of the *abthain* of Dull was granted to John Drummond, and in his reign the thanages began to be broken up, for he grants a charter to John de Loorne, and Janet, his spouse, and our cousin, of the whole lands of Glenlion; another to Donald M'Nayre of the lands of Estirfossach or

house, is termed in the Chronicles abbot of Dunkeld, and by Fordun Abthanus de Dull. There was no such title as abthanus, but the abthanrie of Dull appears in the Crown from the earliest period.

[69] *Liber de Scon*, p. 41.

[70] *Exchequer Rolls*, vol. i. p. 348.

[71] *Chartulary of St. Andrews*, pp. 245, 295.

Foss, in the abthanrie of Dull, which had been resigned by Hugo de Barclay; and a third to Alexander Meinzies of the barony of Fothergill, in the county of Perth.[72]

Besides these thanages held of the Crown, we find mention of two held of the earl of Atholl, and two of the bishop of Dunkeld. On the north bank of Loch Tay was the thanage of Cranach, but it no sooner appears in the records than it vanishes as a thanage, for it passed into the Menzies family, and among their writs is a charter by David de Strathbogie, earl of Atholl and Constable of Scotland, to Sir Robert de Meygnes, knight, son of Sir Alexander de Meygnes, for his homage and service, of the whole thanage of Cranach, in the earldom of Atholl, with the lands of Cranach, Achmore, Kynknoc, the two Ketherowes, and Achnechroish, as a feudal holding for military service. The other thanage lay in the valley of Glentilt, near Blair, and of it we have more particulars. The earldom of Atholl had become vested in the person of Robert, Steward of Scotland, and before he succeeded to the throne in 1371 he grants a charter, as Lord of Atholl, which is undated, to Eugenius, thane of Glentilt, brother of Reginald of the Isles, of the whole thanage of Glentilt, being three davachs of land, for his faithful service, to be held of him in fee and heritage for ever, for payment of eleven merks in money, and the carriage of four horses once a year for hunting in the forest of Bencromby if demanded. There is a provision that should the yearly value of the thanage at any time not reach the sum of eleven merks, he is to pay such sum as may be fixed by an assize of the inhabitants of Strathguye and of those dwelling in the thanage. There is then a retour at Logyraite in the court of the earl of Athole, by which, on 29th July 1457, Andrew de Glentilt is served heir to his father John le thane de Glentilt, in the lands of Petnacrefe in Strathguay; and a charter of sale, in 1461, by Andrew, thane of Glentilt,

[72] *Reg. Mag. Sig.*, 74; Robertson's *Index*, 57.

to John Stewart of Fothergill, of the lands of Achnamarkmore, to be held of himself; and this is followed by a notarial instrument taken on the sale by Finlay 'le thane de Glentilt,' son and heir of the late Andrew le thane de Glentilt, on 27th April 1647, of the right of reversion of these lands for twenty pounds, payable in one day between sunrise and sunset. There is then a precept of sasine by Findlay, thane of Glentilt, in favour of Neill Stewart of Fothergill, as son and heir of Neill Stewart of Fothergill, of the lands of Achnamarkmore, given at Glentilt on 4th June 1500, in presence of John, Thane, son and heir-apparent of Findlay, and on 13th August 1501 a charter of sale by Finlay, thane of Glentilt, to Elenore, countess of Atholl, of Kincraigy. We have then two charters of even date, granted by John, earl of Atholl, and superior of All and Whole the lands of the *Thanagium Abnathie*, or the thanedom of Glentilt, to John Stewart, his son and heir, of the said lands *Thanagii Abnathie*, or le thanedom of Glentilt, which formerly belonged to Finlay Toschach, thane of Glentilt, and which he voluntarily resigned, as is proved to us by his corporal oath sworn on the holy evangels of God. The earl's seal and the seal of Finlay Toschach are appended, at Dunkeld, the last day of May 1502, and these charters are confirmed by a charter under the Great Seal on 2d July 1502, of the thanage, with the bondmen, bondages, native-men and their issue.[73] According to this charter the thanage contained seventeen townships, including the two tenandries of Achnamarkmore and Kincraigy, giving an average of about the sixth part of a davach to each township; and we here see the family, which originally descended from that of the Isles, adopting the name of Toschach, from their designation of Thane. From

[73] These charters are, or were, in the Atholl charter-chest, but are not noticed by Mr. W. Fraser in his account of the Atholl charters in the *Seventh Report of the Hist. MSS. Commission*, p. 703.

them no doubt proceeded the M'Intoshes of Tiriny in Glentilt, which is included among the lands of the thanage.[75] We find mention of two other thanages in Atholl, but it is not very clear whether they were held under the earl, or under the bishop of Dunkeld. King William the Lion confirms to the church and canons of Scone a grant made to them by Malcolm, earl of Atholl, of the church of Loginmahedd, now Logierait, with its chapels of Kilchemi, Dunfolenthi, Kelkassin, and Kelmichelde Tulimath, and with all its other lawful pertinents; but John, bishop of Dunkeld, grants and confirms to the abbots and canons of Sconie the church of Logymahedd, in Atholl, with the full tithes, benefices, and rights lawfully pertaining to said church, viz., of Rath, which is the chief seat of the earldom (*caput comitatus*), and of the whole thanage of Dulmonych, and of the whole thanage of Fandufuith, and with these chapels, Kylkemy, Dunfoluntyn, Kilcassyn, Kilmichell of Tulichmat, and all pertinents of said chapels, and a toft in Logyn, with common pasture, as is contained in a charter of Earl Henry.[76] The *Rath* or fort is still visible on a height between the two rivers at the junction of the Tay and the Tummel, and the modern names of the places where the four chapels were situated are Killichangie, Dunfallandy, Killichassy, and Tullimet, and they are all within the parish of Logierait, but the two thanages seem not to have been included in Earl Malcolm's charter, and are situated within the territory termed the bishopric of Dunkeld, now the parish of Little Dunkeld, for Fandufuith is now Fandowie in Strathbraan, and Dalmonych is probably Dalmarnoch, on the south bank of the Tay, in the same parish. We have no other notice of these thanages.

Thanages in Gowry.

Between the earldom of Atholl and the province of Fife

[75] Mr. Innes, in his *Legal Antiquities*, p. 80, where a short notice of the thanage is given, inadvertently confounds the M'Intoshes of Tiriny in Atholl with the M'Intoshes of Monzievaird in Stratherne.

[76] *Liber de Scon*, pp. 21, 36.

and Fothriff, and separated from the latter by the Firth of Tay, lay the earldom of Gowry. In the account of the seven provinces of Scotland prior to the Scottish conquest, this earldom formed one province along with that of Atholl; but after the Scottish dynasty was seated on the throne it was attached to the province of Fife and Fothriff. It was the heart of the kingdom, as within it was situated the royal seat of Scone, where, as Fordun rightly tells us, 'both the Scottish and Pictish kings had whilom established the chief seat of government;' and from an early period it appears to have belonged to the royal family, as Bower makes the curious statement that Alexander the First had received at his baptism, as a donation from his father's brother the earl of Gowry, the lands of Lyff and Invergowry, where, after he became king, he began to build a palace, and finally conferred them upon the abbey of Scone. These lands are in fact contained in the foundation-charter of Scone by Alexander the First, and that the earldom had been the appanage of Donald Bane, who alone can be meant, is probably true enough.[77]

In the reign of Malcolm the Fourth, who confirms the foundation-charter of Alexander the First, we find mention of the four royal manors of Gouerin or Gowry paying *Can* to the king, and these were Scon or Scone, Cubert or Coupar-Angus, Forgrund or Longforgan and Stratherdel; and these appear to have been likewise royal thanages. Thus Alexander the Second grants to the canons of Scone, in exchange for tithes which they exacted from the lands of Forgrund, one net of his fishings in the thanage of Scone,

[77] *Scotichronicon*, B. vi. c. 36. Donald Bane is improperly made by the peerage-writers father of Madach, first earl of Atholl, and progenitor of these earls; but there is no real authority for this; and the claim of Cumyn to the crown of Scotland, through his granddaughter, shows that he left no male descendants, and that there were no subsequent earls of Gowry adds probability to the fact.

two acres of land in the territory of Scone where the Canon's Well is situated, and a perpetual lease of his demesnes of Rath and Kynfaunes in Gowry; and finally King Robert the First grants to the abbot and canons of Scone the whole thanage of Scone, with all its pertinents.[78] Strathardell, too, was a thanage, as we find a charter granted in the reign of William the Lion by Laurence of Abernethy of the church of Abernethy to the monks of Arbroath is witnessed by Macbeth, sheriff of Scon, thane of Strathardel;[79] and though we have no notice of the royal manors of Cupar and Forgrund being termed thanages, it is probable that they were so.

North of Cupar, however, was the thanage of Alyth, in which was situated the royal castle of Invercuych, as we find Robert the Second granting to Sir James de Lyndesay All and Whole the lands of Aberbothry, as also the place of the royal castle of Invercuyth and all the lands which belonged to John de Welhame and John de Balcasky, in the thanage of Alyth, to be held as a barony; and the same monarch includes the thanage of Alyth with its pertinents in a subsequent charter to Sir James de Lyndesay of the castle and barony of Crawford and other lands;[80] and in connection with this thanage there appears to have been a forest, as in two charters of King David the Second to the canons of Scone, Alyth is mentioned among the royal forests.[81] As Alyth with its royal castle was at the north-east extremity of Gowry, so we find at its north-west boundary the thanage and royal castle of Kinclaven, on the west bank of the Tay, near its junction with the river Isla. We find notices of the repair of the castle in 1264, while the sheriff of Perth accounts for its *firma*, and King Robert the Second grants to his illegitimate son, John, his lands of

[78] *Liber de Scon*, pp. 6, 41, 45, 46, 95.

[79] *Chart. of Arbroath*, p. 27.

[80] *Reg. Mag. Sig.*, pp. 137, 172.

[81] *Liber de Scon*, pp. 112, 113.

Ballathys, Invernate, and Mukirsy in the thanage of Kynclevin, with its tenandries and services of the freeholders, the native-men, bondmen, and their bondages and followers.[82]

Thanages south of the Forth.

The thanages of which we have thus given shortly the history were all situated north of the Firths of Forth and Clyde, and in those eastern districts which formed originally the seat of the Pictish tribes, and afterwards fell under the dominion of a dynasty of kings of Scottish race. The Scots were thus a dominant race over a subject population, and under the succeeding dynasty, who adopted Norman customs and assimilated the laws and institutions of the country to those of a feudal monarchy, these districts became the theatre of a Saxon colonisation and of a gradually increasing settlement of Norman barons, who held the land on a feudal tenure from the Crown; and thus the more ancient tenures represented by the thanages were comparatively speaking few in number, and scattered in isolated situations. But while the thanages in general were thus situated, there was one thanage south of the Firth of Forth which appears to belong to the same class. It was situated on the south bank of the river Carron, and represented that small district, distinguished in the Irish Annals by the name of *Calathros*, and in Latin documents and chronicles as Calatria,—a name preserved in the more modern Callender. The name of *Ecclesbreac* by which the church was known, and by which it is still called in the Highlands, indicates that it was inhabited by a Gaelic-speaking people, and the term *Breac* is usually associated with those of Pictish race. They were probably the remains of the old Pictish population which gave their name to the Pentland Hills. Be this as it may, the notices of this thanage are in entire harmony with those of the thanages north of the Forth. A charter by King David the First to the canons of Stirling is witnessed

[82] *Exchequer Rolls*, vol. i. pp. 3, 17, 18; *Reg. Mag. Sig.*, p. 166.

by Dufotir, sheriff of Stirling; and the same Dufotir witnesses a charter of King David to the church of Glasgow, as Dufoter de Calatria. About 1190 appears Dominus Alwynus de Kalenter.[83] A charter by Herbert, son of Herbert de Camera, of a half carucate of land in his territory of Dumfries, consisting of four bovates or oxgangs near Louchbane, is witnessed by Malcolm, thane of Kalentyr, and Alexander the Second grants to the canons of Holyrood, in feu-farm, his whole lands of Kalentyr, which had been in his hands since the day on which he assigned to Malcolm, formerly thane of Kalentyr; forty pound lands in Kalentyr, which lands are reserved to the said thane. Then we find the old thanage converted into crown demesne, and the thane bought off with a feudal holding. In the same reign a charter by Maldouen, earl of Lennox, is witnessed by P., Thane of Kalentyr; and a missing charter of King David the Second 'to William Livingston of the lands of Callanter by forfeiture of Patrick Calentyre,' appears to terminate the line of the thanes, and to indicate the conversion of the lands into a barony in favour of the Livingston family.[84] A charter granted by David the First before his succession to the throne, when the province of Lothian and the ancient Cumbrian kingdom were under his rule, and addressed to all his faithful *Tegns* and *Drengs* of Lothian and Teviotdale,[85] shows that any thanes who appear in these districts where the population was entirely Anglic, belong to the Saxon organisation, and have no connection with the more northern thanages.

Toshachdor and *Toshachdera.*

We have seen that the term Thane, in connection with that portion of the crown land north of the Firths of Forth and Clyde called a thanage, and considered as crown de-

[83] *Chartulary of Cambuskenneth*, pp. 250, 199; *Chart. of Glasgow*, p. 9.

[84] *Chartulary of Cambuskenneth*, p. 108; *Chart. of Holyrood*, p. 51; Robertson's *Index*, 38; *Chart. of Glasgow*, p. 120.

[85] *National MSS.*, vol. i.

mesne, was the equivalent of the Gaelic *Toisech* or *Toschach*, but we also find this word *Toschach* used in Scotland in combination with two other words nearly resembling each other, and thus forming the two denominations of *Toschachdor* and *Toschachdera*, indicating in this form a person, and in the form of *Toschachdoracht* and *Toschachderacht*, an office, just as the function of the Toisech is expressed in the Irish system by *Toisecheacht*. Sir John Skene, in his treatise *De Verborum Significatione*, gives under the word *Toscheoderache*, several interpretations of it. He says that it was 'ane office or jurisdiction, not unlike to a bailliarie, especially in the Iles and Hielandes.' 'Some alleagis it to be ane office pertaining to execution of summondis. Uthers understandis the same to be ane crowner. Last, summe understandis it to be ane searchour and taker of thieves and limmers.' But it is obvious from his references that he confounds the two offices together. The *Toschachdoracht* was the office like a bailiary, and the *Toschachdor* was considered the equivalent of the coroner, and this office was mainly confined to the Highlands and Islands. The *Toschachdera* he rightly explains, in his Notes to the Old Laws, as a name given by the original Scots and Irish to the serjeand or servitor of court who put the letters of citation in force, and that this office was commonly called 'ane Mair of Fee.'[86] We find the two offices existed distinct from each other in the Isle of Man, and this throws some light upon it. That island was divided into six sheadings, and each sheading had two officers. The first was the coroner, and this office, says Mr. Train, in his *History of the Isle of Man*, is of the highest antiquity in the island. He is called in Manks *Toshiagh Jioarey*, or chief man of the law. There is likewise, says Mr. Train, an officer of unknown

[86] Toscheoderach Barbarum nomen, priscis Scotis et Hybernis usitatum pro serjando vel serviente Curiæ, qui literas citationes mandat executioni. Quod officium dicitur vulgo, ane Mair of Fee.—*Reg. Maj.*, p. 13.

antiquity in every parish called a *Maor*, who collects all escheats, deodands, waifs, and estrays.[87]

The *Toischeachdor* derives his name from *Toiseh*, and *Dior*, an old word signifying 'of or belonging to law,' and is obviously the same as the Manks *Toshiagh Jioarey*, and this office is not to be found in those eastern districts where the thanages prevail, for the simple reason that it is there represented by the *Toschech* or Thane himself, but the *Toiseachdera* or Mair of Fee occurs repeatedly in connection with them. Thus in the laws of King William the Lion, which gave the form of citation, it is directed to be made by the serjeand or coroner or *Tosordereh* or other summoner;[88] and that the serjeand and *Toshachdera* are the same, will be evident on comparing a charter of the thanage of Belhelvie, which mentions the office of smith and the office of serjeand, with one of the demesne lands of Davochindore in Kildrummy, where the same offices are called *Fabrisdera et Toshachdera*.[89] We find in connection with the thanage of Moravia the office of Mair of Fee,[90] and in 1476 the lord of Strathawin, in Banffshire, grants to Alexander Crom Makalonen the lands of Invercahomore, with the office of *Toshoderatus de Strathawin*.[91] We can trace the appearance of this office too in connection with the church lands in this part of Scotland. One of the earliest grants to the bishop of Aberdeen was the schyra or parish of Rayne. It contained the lands of Ledyntoschach, or the *Toschach's* half, and Rothmaise, in which the word *Rath* appears. These lands were held under the bishop by a family of De Rane, and afterwards by a family called Tulidef, but in 1544 the bishop feus to Mr. Walter Stewart the lands of Invirquhaland, Newmore, and two parts of

[87] Train's *History of the Isle of Man*, vol. ii. p. 209.

[88] *Acts of Parliament*, vol. i. p. 58.

[89] *Ant. Ab. and Banff*, vol. iv. p. 453.

[90] *Retours, Elgin*, 25. Officium marisfeodi terrarum comitatus de Murray, viz., Thanagie de Murray.

[91] *Ant. of Ab. and Banff*, vol. iv. p. 476.

Rothtmaise *cum ly Derachthowis*.[92] The lands of Tarves, within the thanage of Fermartin, were conferred upon the abbey of Arbroath by Alexander the Second, and in 1384 the abbot of Arbroath confers the office of *Derethy of Terwas* upon Thomas de Lochane and the heirs of his body in perpetuity.[93] In the thanage of Fettercairn we find, besides the thaneston, or mensal land of the thane, another portion termed *Deray* lands, or the possession of the *Toschachdera*.[94] These notices will be sufficient to show the existence of this office in connection with the thanages, to which a portion of the land was assigned as official demesne.

Result of survey of thanages.

We have now completed our survey of the thanages which survived the war of independence, and we thus see that there existed in the eastern Lowlands isolated territories, scattered here and there among the feudal holdings, still bearing the name of *Thanagium*, and preserving many of the characteristics of the older Celtic tribe. These thanages during the period of the rule of the kings of the race of David the First were considered as forming part of the crown demesne, and were held of the kings by persons called Thanes in feu-farm for payment of an annual *firma*, rent or feu-duty, but their connection with the ancient tribe lands is indicated by the fact that the feuar bearing the Saxon name of Thane was likewise known by the Celtic name of *Toschach*, and therefore represented the ancient *Toisech* of the *Tuath* or tribe, and that his annual feu-duty was likewise known by the Celtic name of *Cain*, usually amounting to about twelve merks, while the land was subject to another burden termed *Conveth*, and afterwards *Waytinga*, which was no other than the *Coinmhedha* or *Coigny* of the Irish tribes. These thanages had therefore obviously replaced

[92] *Chartulary of Aberdeen*, pp. 4, 6, 88, 428. *Ant. of Ab. and Banff*, vol. iii. p. 428.

[93] *Reg. Nigrum de Aberbrothoc*, p. 128.

[94] *Retours for Kincardine*, No. 19.

the more ancient *Tuath*, and what was now regarded as crown land was the ancient tribe territory. It varied in size, as did the Irish *Tuath*. Its principal measure of land bore the Celtic name of Davach, a name also retained when the land had passed into feudal holdings. Each davach contained four ploughgates, equivalent to the Irish *Bally* and the Welsh *Tref*, and the fourth part of the ploughgate seems to have formed the smallest holding, and been known by the Celtic term of *Rath*. The size of these thanages or tribe territories held of the Crown varied from twelve to six davachs, and those held of the earls seem in general not to have exceeded three. Part of this territory was held by the thane or *Toschach* in demesne, and was known as the Thanestown or thane's lands, and was cultivated by bondmen or prædial serfs, of whom there were two kinds, the *bondus*, or occupier of a servile tenement, amounting usually to the fourth part of a ploughgate or township, and the native-man, who was servile by race. Another part of the thanage consisted of tenandries, or free tenements, held under the thane by a class of sub-vassals called *libere tenentes*, or freeholders, for payment of a *Cain* or feu-duty, and these were likewise known by the Celtic name of *Oethigern*, the equivalent of the Irish *Oclach*. They were in fact the lower of the two divisions of the *Flaith* or nobles of the Irish tribe, consisting of the *Aire ard* and the *Aire desa*, while from the upper division the *Ri Tuath* or *Toisech*, as the case might be, was chosen, and when we find the territorial name of Dyce connected with some of the thanages, as Fordyce in the thanage of the Boyne, Dyce in that of Kintore, Tannadyce in the thanage of the same name, we can hardly avoid recognising the *Deis*, or private property, which constituted the basis of the *Grad Flath*, or territorial nobles of the tribe.

Between the class of freeholders and the servile class part of the land was occupied by the *liberi firmarii*, or free

farmers, who had a mere usufruct of their possessions, which varied in size from the tenandry to the small holding of two oxgangs, or the fourth part of a ploughgate. These farmers usually held upon the system termed the Steelbow, when the stock and implements belonged to the proprietor, and were handed over to the tenant during his occupation of the land, who was bound to return an equal value at the termination of his tenure, his rent being usually paid in kind. This tenure closely resembled that of the *Saer*, or *Ceile*, of the Irish tribe, while the *Daer*, or bond *Ceile*, were represented by the *Bondi*, or occupiers of a servile holding in the thanage.

Another portion of the thanage was the church land. When the church consisted merely of the Cill, or parish church, it was known as the *Terra ecclesiæ*, kirkton or Pettintaggart, and was cultivated by the *Scolocs*, who paid *Cain* to the thane, and *Conveth* to the bishop in whose diocese it was. It generally varied in size from a half davach to a half ploughgate, but when a Columban monastery had been founded in the thanage, it was of larger extent and fell into lay hands under the name of *abbatie*, or *abthanrie*, paying, however, both *Cain* and *Conveth* to the church. This was in fact the *termon* lands of the Irish tribe. Lastly, what had originally been the waste land of the tribe became known as the forest, and became dissociated from the cultivated land of the thanage. It either formed the subject of a separate grant or was retained as a royal forest.

CHAPTER VIII.

THE FINÉ OR CLAN IN SCOTLAND.

Clanship in the Highlands.

THOSE influences which led to the *Tuath* with its *Toisech* passing over into the Thanage and the Thane in the eastern districts were less felt in the more mountainous regions of the north and west, where the power of the Crown was comparatively weak, and more nominal than real, and here the tribe went through a different process. While the large districts continued to be ruled by their *Mormaers* and the *Mortuath*, and the Province existed intact, there was little of external influence to affect the social organisation of their Celtic population; but the same internal modification which led to the development of the sept or clan from the tribe was no doubt silently at work, and when the break-up of the great provinces and the alienation of the lands of the tribe to feudal lords removed the veil, the clan appears exhibiting in the main the characteristics of the Irish sept. The clan organisation was in the main limited to that part of modern Scotland known as the Highlands and Islands, where the mountainous and rugged character of the former and the comparative inaccessibility of the latter led to the preservation of a population of pure Gaelic lineage, speaking a Gaelic dialect. Here the introduction, by marriage or royal grant, of feudal overlords with apparently feudal holdings was purely nominal. It led to nothing like the Teutonic colonisation which characterised the Lowlands, and neither affected the Gaelic population nor the institution of clanship among them.

The boundary line which separated the Highlands from the Lowlands, and known as the Highland Line, was in the main an imaginary line separating the Gaelic-speaking people from those using the Teutonic dialect, but it likewise coincides in part with the natural boundaries formed by those physical features of the country which have influenced the relative position of the Gaelic and Teutonic-speaking portion of the population respectively. The southern part of this boundary coincides with the great barrier formed by the mountain range of the Grampians, and where this range is intersected by rivers which take their rise in the interior of the highland region, and flow through this range to the eastern sea, in deep ravines or narrow glens, with high mountains on each side, were narrow passes which formed the entrances into the Highlands, and were easily defended, rendering the country almost inaccessible, while similar passes characterise the northern portion of the line where it crosses the great rivers. The Highland line.

The Highland Line may be said at its southern end to commence at Loch Lomond, in the earldom of Lennox, where the Pass of Balmaha between the lake and the commencement of the mountain region leads into the district of which this lake is the centre. The line then enters the earldom of Menteith, and crosses the Forth, here called the *Avon dubh*, at Aberfoil, and proceeds from thence to Callander, where the pass on the north side of Loch Vennachar leads into the district formerly called Strathgartney, and the Pass of Leny forms the entrance to Strathire and to the district of Balquhidder. From Callander the line follows the range of the Grampians, through the earldom of Stratherne, and crosses the river Earn at Crieff, and the Almond at Findoch, where passes lead to the upper part of the Vale of the Earn and to Glenalmond respectively. From thence it follows the line of the Grampians to Dunkeld, where the King's Pass forms the

entrance to Strathtay, and through the district of Stormont in Gowry to Blairgowrie, where the passes lead into the district of Strathardell. From thence it follows the line of the Grampians till it crosses the Isla north-west of Alyth, and enters the earldom of Angus, where the minor range of hills forming the east side of Glenisla coincides with the line till it reaches the great chain of the Mounth, or backbone of the Grampians, at Cairn Bannoch. There it enters the earldom of Mar, and proceeds along the west side of Glenmuich to the Dee at Ballater, where the Pass of Ballater leads into the districts of Strathdee and the Forest of Braemar. North of these districts it includes likewise the district of Strathdon, crossing the river Don at Boat of Forbes, whence it proceeds to the river Spey at Craigellachie, including the district of Strathavon, and here a pass leads into the district of Strathspey, and separating the mountain region of the earldom of Moray from the level plains forming the southern seaboard of the Moray Firth, it terminates at the mouth of the river Nairn, which flows through the town of Nairn, and formerly separated the Gaelic-speaking people on its left bank from the lowland population on the right. The Highland Line thus intersects the old earldoms of Lennox, Menteith, Stratherne, Gowry, Angus, Mar, Buchan, and Moray, which represented the older great Celtic tribes or *Mortuath*, governed by their *Ri Mortuath* or *Mormaers*, and the portion of each earldom included in the Highland Line consisted of that part which retained its Gaelic population intact, while the rest of it became more or less colonised by foreign settlers.

Break-up of the Celtic earldoms.

The earldoms of Atholl, Ross, and Sutherland were entirely comprehended within the Highland Line, as well as the great district of *Arregaithel*, or Argyll, in its most extended sense, reaching from the Clyde to Lochbroom, and a similar line drawn from the Ord of Caithness to Brinsness

on the west side of Thurso Bay separated the Gaelic population in the more mountainous part of the ancient province of Cathanesia, which from an early period had passed into the possession of the Norwegian earls of Orkney, from the Teutonic settlers in the eastern and more level plains. As long as the native race of the *Mormaers* remained, though assuming the new character of earls, the connection between them and the Gaelic population of the earldom remained unimpaired; but when, by marriage or otherwise, the earldom passed into foreign hands, the Gaelic population became the subjects of a foreign overlord, the greater tribe became broken up, and they emerged from it in the form of clans or broken tribes.

Moray.

The first of these great Celtic tribes to break up was that which formed the great earldom, or rather petty kingdom, of Moray. Here we find a family making their appearance in the eleventh century in the Irish Annals as *Mormaers* of Moray, and occasionally bearing the title of *Ri* or king. This line of Celtic kings or *Mormaers* terminated with Maelsnechtan, son of that Lulach mac Gillcomgan who succeeded Macbeth as king of Scotland for three months. He appears as *Ri* or king of Moray in 1086, and after him Angus, the grandson of Lulach by his daughter, bears the title of earl of Moray, and by his defeat and death in the beginning of the reign of David the First the line of the ancient kings or *Mormaers* of Moray comes to an end, but the tribe appears to have been still held so far together by their support of the claims of the family of MacHeth to the earldom of Moray, whose founder Wymund asserted himself to be the son of Angus, and of that of MacWilliam who claimed to be the nearer line of the royal family to the throne of Scotland; and it was not till the year 1222 that the pretensions of these two families were finally extinguished by Alexander the Second.

Buchan.

About the same period the line of the Celtic Mormaers or

earls of Buchan had come to an end. The Book of Deer furnishes us with a tolerably complete list of these Mormaers, from Bede the Pict in the sixth century to Colban, earl of Buchan, in the reign of David the First; and we can see from the history of the last four that they followed in the main the Pictish law of succession, which preferred daughters to sons after brothers. Donald, son of Ruadri, appears as *Mormaer* of Buchan in the reign of Malcolm the Second. He is followed by Donald, son of MacDubhacain, who is succeeded by his brother Cainneach. The next *Mormaer* mentioned was his son Gartnait, but he appears to have derived his right through his wife Ete, daughter of Gillamithil. He appears with the title of earl in the reign of Alexander the First, and his daughter Eva carries the earldom to her husband Colban. He is followed by his son Roger, and he by his son Fergus, whose only daughter Margaret carried the earldom to William Cumyn, who became in his right earl of Buchan, and by Alexander the Second was made guardian of the earldom of Moray in 1222. Six years after, the districts of Badenoch and Lochaber were conferred upon his son Walter Cumyn, on the rebellion, defeat, and death of a certain Gillespic, by whom they had apparently been forfeited.

Atholl.

The same reign of Alexander the Second witnessed the termination of the line of the Celtic earls of Atholl and Angus. The former earldom appears to have been an appanage of the family from whom sprang the kings of the race of Duncan, the son of Crinan, and its earls were descended from his younger son, a younger brother of Malcolm Ceannmor.[1] The last of this line was Henry, earl of Atholl, who died before 1215, and the earldom passed to the eldest of two sisters, Isabella and Forflissa, who married Thomas, earl of

[1] The peerage-writers make Madach, earl of Atholl, son of Donald Bane, which, as we have stated, is disproved by the claim of the Cumyns, through female descent from him, to the throne. The *Orkneyinga Saga* names him Melcolm or Melmare.

Galloway. On the death of his son Patrick in 1242 he was succeeded by his aunt Forflissa, the other sister, who married David de Hastings, and by his daughter it was carried to the Strathbolgie family, a branch of the earls of Fife.[2] But while the earldom passed into the hands of a succession of foreign earls, a family bearing the title of De Atholia continued to possess a great part of the earldom, and were probably the descendants of the older Celtic earls. The Gaelic population of the whole of the north-western portion of Atholl, bounded on the east by the river Garry, and on the south by the Tummel, remained intact under them, but the possession of the great western territory of the *abthanrie* of Dull by the Crown led to the introduction of a foreign element among the landholders of the rest of the earldom, and much of the land passed permanently into the possession of the families of Menzies and Stewart, while the Celtic character of the whole earldom was notwithstanding preserved.

Angus.

The same reign saw also the extinction of the old Celtic earls of Angus. The Pictish Chronicle furnishes us with the names of three of its Mormaers—Dubucan, son of Indrechtaig, who died about 935, and Maelbrigdi, son of Dubucan, and this name again occurs in the 'Dufugan Comes' who appears among the seven earls in the reign of Alexander the

[2] The line of these earls is very incorrectly given by the peerage-writers. They give the two sisters an elder anonymous sister, whom they marry to Alan Durward, who is mentioned in the *Chartulary of Arbroath* (p. 76) as earl of Atholl in 1235; but as Thomas of Galloway died in 1231, leaving Isabella a widow, and her son succeeded in 1242, it is obvious that Alan held the earldom either as husband of the widow or guardian of the son. Then by misdating a charter by which John de Strathbolgie, earl of Atholl, and Ada, countess of Atholl, confirm the donation of the lands of Invervach made to the monks of Cupar by David de Hastings, earl of Atholl, father of Ada, in 1283 in place of 1254, which is the date given by Sir James Balfour, by whom alone a note of this charter has been preserved, they confound David de Strathbolgie, earl of Atholl, who died in a pilgrimage to the Holy Land in 1269, with his grandfather, David de Hastings, earl of Atholl, and his son John, earl of Atholl, with his grandfather, John earl of Atholl, the husband of Ada.

First, and was no doubt earl of Angus. After him we have a succession of four earls from father to son, viz., Gillebride, Gilchrist, Duncan, and Malcolm; and Matilda, the daughter and heiress of the last earl, carried the earldom by marriage first to John Comyn, who died in 1242, and then to the Norman family of De Umphraville. The family of Ogilvie, who retained possession of a considerable portion of the earldom, appear to have been the male descendants of these old Celtic earls, and they likewise gave a line of earls to Caithness, who possessed, with the title of earl, one half of the land of the earldom. Of the land of the earldom of Angus the district of Glenisla was alone included within the Highland Line and preserved its Gaelic population.

Menteith and Strath-erne.

The beginning of the reign of Alexander the Third saw the termination too of the line of the old Celtic earls of Menteith. No mention of the *Mormaers* of this *Mortuath* has been preserved, and the first earl, Gilchrist, appears in the reign of Malcolm the Fourth. He was succeeded by Murethac, who was followed by two brothers, both bearing the name of Maurice, between whom there was a contention for the earldom in 1213, which ended in the elder Maurice resigning the earldom to his brother and retaining some of the lands for his life;[3] but Earl Maurice left two daughters only, the eldest of whom married Walter Cumyn, and the younger Walter Stewart, and carried the earldom to these families. The western and more mountainous part of this earldom, consisting mainly of the districts of Strathgartney and Strathire, retained its Gaelic population. Of the early *Mormaers* of the *Mortuath* of Stratherne we have no mention, but the line of its Celtic earls continued unbroken till the reign of David the Second, when the forfeiture of one interposed for a time a Norman baron, and the succession terminated in

[3] See Riddell's *Remarks on Scotch Peerage Law*, p. 149, for an account of this dispute.

co-heiresses, when the earldom came into the Crown, and was re-granted to one of the Royal Stewarts; the western districts within the Highland Line retained their Gaelic inhabitants.

The only other of the frontier earldoms intersected by the Highland Line was that of Mar, and here, like Buchan, we are on historic ground, for a *Mormaer* of Mar—Donald mac Emin mac Cainech—is recorded in a nearly contemporary document as having been present at the battle of Clontarff in Ireland, fought in the year 1014;[4] and Ruadri, *Mormaer* of Mar, who is mentioned in the Book of Deer, appears among the seven earls in the reign of Alexander the First as 'Rothri Comes.' The line of the Celtic earls of Mar continued till the reign of Robert the Second, when it was carried by an heiress into the Douglas family, and afterwards to one of the Stewarts, by whom it was resigned to the Crown. A great part of the territory of the Celtic earls was at an early period carried off from them by the family of De Lundin or Durward, who claimed the earldom as representing the earls through a female, and were thus compensated, but this part consisted of Lowland districts, and the Highland districts of Strathdee, Braemar, and Strathdon constituted the 'comitatus' or demesne of the Celtic earls, and preserved their Gaelic population. Mar.

The history of the *Mortuath* or earldom of Ross is peculiar, and became eventually connected with that of the Lords of the Isles. Of the early Celtic *Mormaers* we have no record, and the supposed connection of Macbeth with Ross as its *Mormaer*, which originated with George Chalmers, has no historic foundation. He was, as we have seen, *Mormaer* of Moray. The name of Gillandres appears in Wyntoun as one of the earls who besieged Malcolm the Fourth in Perth in the year 1160; and the Gaelic name of the old Rosses as *Clanghillandres* seems to connect him with this earldom, but Ross.

[4] *The War of the Gaedhil with the Gaill*, pp. 171, 211.

it must have been immediately after in the Crown, for the same Malcolm undoubtedly gave it to Malcolm MacHeth, who appears as its earl, but was soon after expelled. It was afterwards bestowed by William the Lion upon a foreigner, the Count of Holland; but his successor, Alexander the Second, created Ferchard Macintaggart, the heir of a line of lay abbots of Applecross, earl of Ross, who thus united the extensive possessions of that monastery in North Argyll to the earldom, and from him the later earls are descended. It became for a time broken up, when an heiress carried the earldom to Walter de Lesly, and afterwards to Alexander Stewart, earl of Buchan, but it reverted through her daughter and heiress to the line of the Celtic Lords of the Isles.

The *Gallgaidheal* and their lords.

But while the eastern and central tribes became broken up by the termination of the line of the Celtic earls of the respective great districts or *Mortuaths*, and thus either reverting to the Crown or passing by marriage to Norman barons, those of the western seaboard and of the Isles were held together for a longer period, and remained intact till towards the end of the fifteenth century. These Gaelic inhabitants of the Western Isles had been, as early as the ninth century, brought under the rule of the Danes and Norwegians, and the latter had in the eleventh century extended their sway over the western districts of the highlands and over Galloway. These Gael were termed *Gallgaidheal*, the word *Gall* or foreigner being applied to both Danes and Norwegians, both from being under their rule and from their having been in some degree assimilated to their manners and become connected with them by intermarriage; but the word *Gallgaidheal* as a geographical term became limited to the district of Galloway, which derived its name from them. The Islands became known as *Innsigall*, or the islands of the strangers, and western districts of the Highlands as *Airer* or *Oirir Gaidheal*, the coast land of the Gael, from whence the name of Argyll

is derived. Two Celtic chiefs, as we have seen, succeeded at the same time in driving the Norwegians out from the mainland of Scotland, and Somerled, establishing himself as king over the whole of the extensive district known by the name of Ergadia or *Oirirgaidheal*, extending from the Clyde to Lochbroom, and had likewise wrested from the Norwegian kings of the Isles the southern half of them lying to the south of the promontory of Ardnamurchan, over which his descendants ruled with almost regal sway, while Fergus founded a line of Celtic lords of Galloway. Somerled left three sons —Dubhgal or Dugald, Reginald, and Angus, among whom his dominions were divided. Dubhgal received the district of Lorn, extending from Lochleven to the Point of Ashnish, and also that of Morvern; Reginald obtained the districts of Kintyre and Cowall, and the islands which Somerled had possessed were divided between them, Dubhgal having Mull and the small islands adjacent to it, and Reginald the important island of Isla, with those in the Firth of Clyde. Angus's possessions appear to have lain north of the others, but a struggle seems to have taken place between him and Reginald, which resulted in Angus being slain with his three sons in 1210 by the sons of Reginald. Soon after, the conquest of the great district of Argyll by Alexander the Second took place, and the descendants of Somerled appear to have been among the lords who were confirmed in their possessions by that monarch, but their possessions in the Isles were still held of the Norwegians till the cession of the Isles in the reign of Alexander the Third. Reginald had left two sons, Donald and Ruaidri or Roderick, the former succeeding his father in Kintyre and Isla, and the latter obtaining Bute and Arran, and likewise the possessions which had been wrested from Angus, and consisted mainly of the district extending from Ardnamurchan to Glenelg, and known by the name of Garmoran; while the district of Lochaber, which had been for-

feited, passed into the possession of the Cumyns. The descendants of Dugald and Reginald thus shared the possessions of Somerled between them, and we find the heads of the respective families—Alexander, son of Eogan, son of Duncan, son of Dubhgal, Angus Mor son of Donald, and Allan son of Roderic—appearing at the Scottish parliament in 1284, when the crown was settled on the Maiden of Norway; but the families having taken opposite sides in the war of succession—the head of the line of Dubhgal, John of Lorn, supporting the cause of Baliol, and the head of the line of Reginald that of Bruce—the latter became the predominant family. Angus Og, son of Angus Mor, the head of the family who had supported Bruce, received from him when established on the throne the lands of Morvern, Ardnamurchan, and Lochaber, with the islands which had belonged to the Lords of Lorn. These lands and islands, with Kintyre and Isla, were confirmed to his son John by David the Second, who likewise confirmed to Reginald son of Roderic, the lands of Garmoran, with the small islands north of Ardnamurchan and the southern half of the Long Island; but Reginald having been slain in a quarrel with the earl of Ross at Perth in 1346, his possessions passed with his sister Amie by marriage to John the son of Angus,[5] and thus this latter family became known as the powerful Lords of the Isles, ruling over the territories of the Macdonalds of Isla and Kintyre, the MacRuaries of Garmoran and the North Isles, and a great part of those which had belonged to the Lords of Lorn. Their position was still further strengthened by the marriage of John, Lord of the Isles, with the daughter of Robert, High Steward of Scotland, for which connection he had apparently repudiated his first wife Amie; and when the line of the Lords of Lorn of the race of Dubhgal came to an end, and the lordship of Lorn passed to the Stewarts of Inner-

[5] 'Benedict XII. Dispen. Joanni quondam Engussii de Isle Sodoren. et Amiæ quondam Roderici de Insulis . . . 1337.'

meath by marriage with the daughter and heiress of John, Lord of Lorn, before 1388, the Lords of the Isles were left without a rival in their rule of the Gaelic population of Argyll and the Isles. John, Lord of the Isles, had by his first marriage with Amie MacRuarie, three sons, John, Godfrey, and Ranald; and by his second marriage with the Lady Margaret Stewart likewise three sons, Donald, John, and Alexander; and when Robert the High Steward succeeded to the throne in 1370, his influence led to an arrangement by which the children of the Lord of the Isles by his second marriage, who were the king's grandsons, were to be preferred to the children of the first marriage in the succession to the Isles, while the possessions of the MacRuarie family, which he had inherited through his first wife, were to be secured to the first family as the price of their acquiescence. Accordingly, in the first year of his reign, King Robert confirms to John, Lord of the Isles, the territory on the mainland and the Isles which had belonged to Alan, son of Roderic, and in the following year confirms a grant by the Lord of the Isles of these possessions to his son Reginald, the youngest of the three brothers, who appears to have agreed to the arrangement, the eldest son, John, having predeceased his father, and the second, Godfrey, having apparently refused to surrender his rights; and a few years later charters are granted to the Lord of the Isles and to the heirs of his marriage with Margaret, the king's daughter, of the island of Colonsay with its pertinents, and the lands of Lochaber, Kintyre, and one half of Knapdale. On the death of the Lord of the Isles in 1380, Reginald fulfilled his engagement by causing Donald to be recognised as Lord of the Isles, and having him inaugurated by the usual Celtic solemnities as such; while Godfrey appears to have for a time maintained his right to his mother's inheritance, which, however, was soon extinguished by the failure of heirs-male.

Donald thus appears to have entered peaceably into pos-

session of the lordship of the Isles, and his marriage with Margaret, daughter of Walter Lesly, earl of Ross, added a claim to that earldom on the death of her brother Alexander, earl of Ross, who left an only daughter who became a nun. This claim being contested by the Regent Duke of Albany, who had obtained a renunciation from the nun, led to the great battle of Harlaw, where the whole force of the Western Highlands and Isles, as well as those of the earldom, was pitted against the Government; and though the issue of the battle was doubtful, the Lord of the Isles maintained his possession of the earldom, and his title as Earl of Ross was eventually admitted, and he was succeeded in 1420 by his son Alexander, as Earl of Ross and Lord of the Isles. The position of the Lords of the Isles, as virtually independent rulers of nearly the whole of the Highlands with the Isles, was now so powerful, that their authority and that of the Crown came into constant collision, and it is necessary, for our purpose, that the leading incidents should be shortly stated. On the accession of James the First in 1424, he appears to have strengthened his party against the family of the Regent Albany by confirming the widow of the Lord of the Isles, and her son Alexander, in the earldom of Ross; and the latter, as Lord of the Isles and Master of the earldom of Ross, sat upon the jury which condemned Murdoch, Duke of Albany, and his father-in-law, the Earl of Lennox, to death; but after his object was attained, this vigorous monarch seemed to feel the necessity of bringing the Highlands more under his control. The mode by which he endeavoured to accomplish this was characteristic. He summoned, in 1427, a Parliament to meet at Inverness, at which the Highland chiefs were invited to attend, and as soon as they obeyed his summons, arrested them to the number of fifty and committed them to prison. The chroniclers enumerate among them—Alexander, Lord of the Isles, and his mother the Countess of Ross; Angus Duff with

his four sons, leader of four thousand men of Strathnaver; Kenneth More with his son-in-law, leader of two thousand men; John Ross, William Lesly, Angus of Moray, and Mackmahon, leaders of two thousand men each; and he put to death Alexander Makreury of Garmoran, leader of a thousand men, and John Makarthur, a great chief among them, and likewise leader of a thousand men, who were beheaded. The rest were sent to various prisons, where, after a time, some were put to death and others liberated.[6] Among those who were liberated were the Lord of the Isles and his mother, and he seems to have lost no time in endeavouring to revenge himself, for in 1429 he summoned all his vassals in Ross and the Isles, and advanced against the town of Inverness, which he burnt to the ground after he had wasted the crown lands; but on the appearance of the royal army, with King James at its head, he retreated to Lochaber, where the king followed him, and the Lord of the Isles having been deserted by part of his troops, he was attacked and defeated, and eventually surrendered himself unconditionally to the king, when he was imprisoned in Tantallon Castle, and his mother was also arrested and confined at Inchcolm, in the Firth of Forth. Along with the earl of Ross, we find in prison Lachlane M'Gillane, Torkill M'Nell, Tarlan MacArchir, and Duncan Persoun.[7]

The imprisonment of the earl of Ross and his mother led to an insurrection in the west, when the Highlanders under Donald Balloch, a cousin of the earl, defeated the royal troops, under the earls of Mar and Caithness, at Inverlochy in Lochaber in 1431, when the former was killed; but on the appearance of the king himself with additional forces, Donald Balloch

[6] *Scotichronicon*, vol. ii. p. 489.

[7] Et domino Comiti Rossiæ, Lachlano M'Gillane, Torkell M'Nell, Tarlano M'Archir et Duncano Persoun de mandato domini regis ut patet per literas suas subsigneto ostensas super computum sub periculo computancium. Et eidem comiti pro panno laneo, pro capucio tunica caligis et pellibus rubeis pro juppone liiij lb iiij s. 14th July 1438.—*Exchequer Rolls*, vol. v. p. 33.

fled to Ireland, and the other chiefs made their submission. In consequence of this insurrection, the king appears to have seen the policy of setting the earl of Ross at liberty and attaching him to his service by conferring upon him the important office of Justiciar of Scotland north of the Forth, an office which he held during the minority of James the Second. He appears, however, to have entered into a league with the earls of Douglas and Crawford, in 1455, for the dethronement of that monarch, but died in 1449 before any overt attempt had been made to carry it into effect. Alexander, earl of Ross, like his grandfather, seems to have formed one potent alliance with the Lowland nobility by his marriage with Elizabeth Seton, daughter of Alexander, Lord of Gordon and Huntly, while he had—either before or after—added to his possessions by marriage with daughters of Highland chiefs. By his countess Elizabeth he had John, who succeeded him as Earl of Ross and Lord of the Isles. By the daughter of Giollapadraig, the last of the lay abbots of Applecross, and known to tradition as the Red Priest, with whom he obtained the lands of Lochalsh, Lochcarron, and others, he had a son Hugh, to whom he gave the lands of Sleat in Skye ; and by a daughter of *Mac Dubhshithe* or Macphee, of Lochaber, he had Celestine or Gilleaspic, to whom he gave the lands of Lochalsh. During the reign of James the Second, John, earl of Ross, was occasionally at variance with the Crown, and at other times on good terms with the king, and under his influence was married to the daughter of Sir James Livingston ; but soon after that king's death, he entered into a league with the earl of Douglas and King Edward the Fourth of England for the conquest and partition of Scotland, in 1462, and immediately raised the standard of revolt. Having assembled a large force, he made himself master of the castle of Inverness, and proclaimed himself supreme over the sheriffdoms of Inverness and Nairn, which then embraced the whole of the north

of Scotland over which he placed his natural son Angus as lieutenant. In consequence of this act, and of the treaty with England coming to light, he was summoned at his castle of Dingwall to appear before a Parliament in Edinburgh to answer to various charges of treason, and failing to attend, sentence of forfeiture was pronounced against him in 1475. In order to carry this sentence into effect, an expedition consisting both of a fleet and land force was sent against him under the command of the earls of Crawford and Atholl, and this led to his suing for pardon through the medium of the earl of Huntly, and he eventually surrendered himself to the royal mercy. He was restored to his forfeited estates, which he immediately resigned to the Crown. The earldom of Ross was annexed to the Crown, and the rest of his estates, with the exception of Kintyre and Knapdale, were regranted to him by royal charter, and he was created a baron baurent and peer of Parliament by the title of Lord of the Isles, with remainder to his two natural sons, Angus and John. The old Celtic lordship of the Isles was thus converted into a feudal barony in 1476.

Angus was soon after married to a daughter of the earl of Argyll, by whom he had a son Donald Dubh, but was treacherously slain in 1490 at Inverness by an Irish harper. The repeated attempts which had been made to recover the earldom of Ross, and other acts committed in name of the aged Lord of the Isles, led to his being again forfeited and deprived of his titles and estates in a Parliament held at Edinburgh in May 1493, on which he retired to the monastery of Paisley, and died there in 1498, and was interred in the tomb of his royal ancestor King Robert the Second. Although several attempts were made after his death by the western chiefs to raise up his grandson Donald Dubh and his nephew Donald Gallda, the son of Celestine, as Lords of the Isles, this was the final termination of the dynasty of

the Celtic Lords of the Isles, which practically ceased to exist in 1476 at his first forfeiture, and the Gaelic population, which had been kept together by the power and authority of their great chiefs, became now broken up.[8]

Lennox.

The line of the Celtic earls of Lennox had come to an end during the life of Alexander, earl of Ross, when Duncan, earl of Lennox, was executed in 1425, and the earldom passed into the hands of the Stewarts.

The *Toshachdoracht.*

The fifteenth century thus saw the last of the great Celtic tribes broken up; but while this process of disintegration from external influence had thus overtaken the greater tribes or *Mortuath* one after another, their extinction as leading features in the Celtic tribal organisation did not disclose the lesser tribes or *Tuaths* in their entirety. They, too, had been undergoing a process of internal change similar to that which had affected the Irish tribes and led to the development of the septs or clans, gradually severed more and more from the parent tribe, till the bond of union between them became impaired, and all tradition of their earlier existence as members of a larger organisation became lost. But while the original tribe had ceased thus to exist in that part of the country which retained its Gaelic population, as an actual element in its social organisation, it left an evidence of its previous existence in the lesser districts into which the larger territories were divided, and which still remained as a geographical feature; where an officer bearing the name and some of the functions of the ancient *Toisech* of the *Tuath* is still found in connection with some of them. This was the *Toshachdoracht* or office of *Toschachdoir*, which was considered equivalent to Coroner. It was rendered in Latin by *capitalis legis*, and signified in English, principal of law. Thus,

[8] In the Appendix will be found a translation of part of the Red Book of Clanranald, containing the traditionary history of the Lords of the Isles; and Mr. Gregory's History of the West Highlands and Isles of Scotland may be referred to for the above sketches.

in that part of the great district of Argyll which formed the original kingdom of Dalriada, we find the districts of Cowall, Kintyre in its largest sense, and Lorn, obviously representing the ancient *Tuaths* into which the population of the kingdom had been divided, and we likewise find Archibald, Master of Argyll, granting in 1550 to Campbell of Ardkinlas the office of Coroner, *alias Thoshisdoir*, viz., *Tosheochdorachtie* of the lands of Cowall, from Claychin Toskycht to the Points of Toward and Ardlawmonth.[9] In 1539 Alane M'Lane was appointed by King James v. *Toschachdoir* of all Kintyre, from the Mull to Altasynach;[10] and the same king appointed, in 1542, Neill mac Neill to the same office.[11] In 1455, John, Earl of Ross and Lord of the Isles, confirms to Neill macNeill a grant made by his father, Alexander, Earl of Ross and Lord of the Isles, to Torquel M'Neill, constable of the castle of Swyffin, the father of Neill, of the office called *Toshachdeora* of the lands of Knapdale.[12] In 1447 we find Sir Duncan Campbell as king's lieutenant within the parts of Argyll, granting to Reginald Malcolmson, of Craignish, the offices of Steward, *Tosachdoir*, and Mair of the whole land of Craignish, and the office of *Tosachdoir, ex parte regis*, within the same bounds; when the heir was under age, to be held by his tutor, with consent of his clan, viz., the Clandowil Cragniche.[13] In 1572, Archibald, Earl of Argyll, grants to Colin Campbell of Barbrek certain lands with the coronership of the lands and baronies of Glenurquhay, the two Lochaws, Glenaray, Glenshyro, Ardskeodnich, Melfort, and Barbrek, that is, of the district forming the central part of Argyll between Lorn and Lochfyne.[14] In another grant, it is termed the office of *Toshcadorach* of the lands lying west of Lochfyne.[15] That part of the great district of Argyll

[9] *Reg. Mag. Sig.*, lib. xxx. No. 552.
[10] *Reg. Sec. Sig.*, vol. xiii. fol. 17.
[11] *Ib.* vol. xvi. p. 1.
[12] MacNeill Charters.
[13] Argyll Charters.
[14] Protocol Book of Gavin Hamilton.
[15] Poltalloch Charters.

which pertained to the earldom of Moray contained the lesser districts of Lochaber, Morvaren, Ardnamurchan, and Garmoran, and here too we find the Lord of the Isles granting, in 1456, to his esquire Somerled, son of John, son of Somerled, for life, and to his eldest son for five years after his death, a *davach* of his lands of Gleneves, with the office commonly called *Tocheachdeora* of all his lands of Lochaber, and he seems to have derived from it the name of *Toche* or *Toshach*, as in 1553 or 1554 the same lands of Gleneves are granted to his grandson, here called Donald Macallaster Mic Toche.[16]

There is no trace of the office of *Toschachdor*, under this name, in connection with the more eastern districts of Moray, but there is no reason to doubt that such districts as Badenoch, Strathspey, Strathdearn, Strathnairn, Stratherrich, and the Aird, represented what had formerly been tribe territories or *Tuaths*, and the same may be predicated of similar districts in the northern earldoms. In Atholl, as we have seen, the thanages appear even though within the Highland Line, but here we find the office of *Toschachdor* in connection with one district in Breadalbane which was adjacent to one of these thanages, for among the lands of the earldom of Breadalbane we find the thanage of Cranach, with the office of *Toshachdoiraship* of Ardtholony,[17] and the office likewise appears in Lennox, where Malcolm, earl of Lennox, grants to Patrick de Lindsay the office of *Tosheagor* of Lennox.[18] We find a trace of it, too, in Galloway, where the office of coroner between the rivers Dee and Nith and the *Toshachdoracht* of Nithsdale appear to be the same.[19]

First appearance of clans.

But while the more ancient tribal forms had thus undergone a process of change and modification similar to that which characterised the Irish tribe, and left merely its shadow

[16] Letterfinlay Charters, *Orig. Par.*, vol. ii. p. 61.

[17] *Acts of Parliament*, v. 114.

[18] *Chart. of Lennox*, p. 49. Totum officium quod dicitur Tosheagor de Levenax.

[19] *Record of Retours*, Kirkcudbright, No. 30. Robertson's *Index*, 146. 25.

behind it in the geographical district and the function of the *Toshachdoracht*, it is in the reign of David the First that the sept or clan first appears as a distinct and prominent feature in the social organisation of the Gaelic population, and owing to the light thrown upon the ancient state of the earldom of Buchan as a Celtic *Mortuath* by the Book of Deer only. During the period of the *Mormaers* of Buchan prior to Garnait and Colban, who were *Mormaers* or earls in the reign of David, we find the *Toisechs* mentioned generally as concurring in grants of land; but in the time of these two *Mormaers* a grant of land is made by Comgill mac Caennaig, *Tosech* of Clan Canan; and Colban, *Mormaer* of Buchan, and Eva, daughter of Garnait his wife, and Donnachach mac Sithig, *Toisech* of Clan Morgan, mortmained all the previous offerings to God, Drostan, Columcille, and Peter, that is, to the monastery of Deer, and this grant is witnessed, among others, by the two sons of the *Toisech*. The *Toisech* of the *Tuath* had thus by this time acquired a sufficient *Deis* to form a sept of his kin and dependants, of which he now appears as the head, but the clans in this district only show themselves to disappear at once before the advancing colonisation of the eastern districts by a Teutonic population.

Clan Macduff and its privileges.

In the same reign we find a Gaelic sept or clan appearing where we might least expect to find it, viz., in the province of Fife and Fothriff, where the Clan Macduff figures from an early period in both the mythic and the real history of Scotland, and has acquired a fictitious importance from the supposed connection of its founders with the usurper Macbeth, from which the privileges known as the law of the Clan Macduff were supposed to be derived. The well-known tale of how Macduff was Thane of Fife in the reign of Macbeth, how he incurred the resentment of the usurper and fled to England from his wrath, how his wife and children were slaughtered, and how he brought back Malcolm, the son of King Duncan whom Macbeth had slain, and how he killed

Macbeth in the battle which placed Malcolm on the throne, first appears in the Chronicle of John of Fordun,[20] but he does not notice the privileges supposed to be conferred upon him and his descendants. These first appear in an addition made to the Chronicle by his interpolator Bower, the abbot of Inchcolm. According to him, after Malcolm was crowned, Macduff, thane of Fife, came to him, and requested and obtained three privileges, in reward for his faithful service, for himself and his successors, lords or thanes of Fife:—First, that they should place the king in his royal seat or chair on his coronation day; second, that they should lead the vanguard in every battle in which the royal standard was unfurled; third, that they, and every one of their kin, on the occasion of any sudden and unpremeditated homicide, should enjoy the privilege of the law of Macduff, the gentry on paying twenty-four marks as kinbot, and the commonalty on paying twelve marks receiving a plenary remission.[21] Wyntoun gives the same account of the three privileges, but adds—

> 'Off this lawch are thre capytale;
> That is the Blak Prest off Weddale,
> The Thayne off Fyffe, and the thryd syne
> Quha ewyre be Lord of Abbyrnethyne.'[22]

Sir John Skene, however, attaches the third privilege to the Croce of the Clan Macduff which divides Stratherne from Fife, as a privilege and liberty of girth in such sort that when any manslayer, being within the ninth degree of kin and blood to Macduff, sometime earl of Fife, came to that cross and gave nine cows and a colpindach, or year-old cow, he was free of the slaughter committed by him, and quotes a charter by David the Second to William Ramsay of the earldom of Fife, with the law called Clan Macduff.[23] The existence

[20] Fordun's *Chronicle*, Book v.
[21] *Scotichronicon*, ii. p. 252.
[22] Wyntoun, vol. ii. p. 141 (ed. 1872).
[23] Skene, *De Verborum Significatione*, *voce* Clan Macduff.

of this privilege is so far confirmed that in a Parliament of King Robert the Second, held in 1384, in which certain laws were enacted regarding *Katheranes*, the earl of Fife agreed that as 'principal of law of Clan Macduff' (*capitalis legis de Clen m'Duffe*), he would cause them to be observed within his bounds;[24] and in the fragmentary code of laws it is enacted that the *duellum*, or wager of battle, may be remitted in three instances, the second being 'by the law of the Clan Macduff for the slaughter of one of the kin, if the kin of the other party can come in the place of combat when the appealer is proven, and his lance.'[25] We thus see that when the line of the Celtic Earls of Fife, the hereditary *Toshachs* of the tribe, failed, they were replaced by the *Capitalis legis*, 'Capytale of lawch,' or *Toshachdor*, the principal being the alien Earl, to whom Wyntoun joins the priest of Wedale, a parsonage belonging to St. Andrews, and the Lord of Abernethy, the descendant of the old abbots of the monastery of that name. Hector Boece pushes the origin of the clan as far back as the reign of Kenneth MacAlpin, the founder of the Scottish dynasty, who, according to that veracious chronicler, appointed governors of the different provinces, that of Fife being a certain Fifus Duffus.

There were of course no thanes of Fife at any time. The first appearance of the name on record is in the reign of David the First, when Gillemichel Macduff witnesses an early charter of that monarch to the monks of Dunfermline, along with five earls, one of whom is Constantine, earl of Fife, and he certainly is the same person who witnesses the foundation charter of Holyrood shortly after as 'Gillemichel Comes,' and had thus become earl of Fife.

The demesne of the earls of Fife of this race appears to have consisted of the parishes of Cupar, Kilmany, Reres, and Cameron in Fife, and those of Strathmiglo and Auchter-

[24] *Acts of Parliament*, vol. i. p. 551. [25] *Ib.* p. 746.

muchty in Fothriff,[26] near which Macduff's Cross was situated, but whether this sept were the remains of the old Celtic inhabitants of the province, or a Gaelic clan introduced into it when its chief was made earl, it is difficult to say, but it is not impossible that it may have been a northern clan who followed Macbeth when the southern districts were subjected to his rule, and that there may be some foundation for the legend that the founder of the clan had rebelled against him, and adopted the cause of Malcolm Ceannmor, and so maintained his position. The fact that the race from whom the *Mormaers* of Moray derived their origin is termed in one of the Irish Genealogical MSS. Clan Duff, and the earls of Fife undoubtedly possessed from an early period large possessions in the north, including the district of Strathavon,[27] lends some probability to this supposition. The privileges of the clan, however, stand on a different footing. From the earliest period the territory of Fife comes prominently forward as the leading province of Scotland, and its earls occupied the first place among the seven earls of Scotland. The first two privileges of placing the king on the Coronation Stone, and of heading the van in the army, were probably attached to the province of Fife, and not to any particular tribe from which its earls might have been derived, while on the other hand the third seems derived from the institution connected with the ancient *Finé*, by which the kin formed a class of seventeen persons, consisting of the *Geilfiné*, *Deirbhfiné*, *Indfiné*, and *Iarfiné*, and the nine degrees of kindred of the Clan Macduff correspond to the first two, which consisted of nine persons, traces of which can also be found in the Welsh Laws.

Whilst the sept or clan thus makes its appearance in these few instances beyond the Highland Line, it no

[26] *Historical Documents of Scotland*, edited by J. Stevenson, vol. i. p. 415.

[27] *Chart. of Moray*, p. 12.

doubt had already assumed an equally distinct form within that boundary; but whatever may have been the condition of the clans in the more inaccessible region of the Highlands, history throws little light upon their existence till they emerge beyond it towards the end of the fourteenth century.

Description of Highlanders—1363-1383.

Fordun, who concludes his Chronicle immediately before the first appearance of a Highland clan beyond the Highland Line, gives the following description of the inhabitants of the Highlands:—'The Highlanders and people of the Islands are,' he says, 'a savage and untamed nation, rude and independent, given to rapine, ease-loving, of a docile and warm disposition, comely in person but unsightly in dress, hostile to the Anglic people and language, and, owing to diversity of speech, even to their own nation, and exceedingly cruel. They are, however, faithful and obedient to their king and country, and easily made to submit to law, if properly governed.'[28] This is a picture drawn by one who had no friendly feeling towards them, but the good qualities with which he credits them, of being of a docile and warm disposition, and faithful and obedient to their king and country, read as strangely to us when their subsequent history is taken into account, as Fordun's opinion that the dress is unsightly hardly corresponds with modern taste. At the time he wrote, however, he was warranted in what he said, for from the time when Alexander the Second finally suppressed the rebellion of the people of Moray, and conquered Argyll in the early part of his reign, to his own day, they had not broken out beyond their mountain barrier, and these early rebellions arose from their adherence to a family which they believed had a rightful claim to the throne, just as those of the seventeenth and eighteenth centuries were the result of their attachment to the cause of the Stewarts.

This state of quiescence was not destined, however, to

[28] Fordun, *Chronicle*, vol. ii. p. 38.

Raid into Angus in 1391.

continue long, and within eight years after the death of the chronicler the irruptions of the Highlanders into the low country were renewed, and they now appear in the form of separate septs or clans. Robert the Second had, in the first year of his reign, granted the lands of Badenoch, which had been forfeited by the Cumyns, to his fourth son, Alexander, who, from his fierce disposition, became known as the Wolf of Badenoch, and some years after he obtained grants of the lands of Strathavon, which had belonged to the earls of Fife, and of Abernethy in Strathtay. Alexander had no family by his wife Eupham, countess of Ross, but a number of illegitimate sons; and Bower tells us that in 1391 the Caterans, as he calls them, invaded the Braes of Angus with Duncan Stewart, one of his sons, at their head, and were encountered by Walter Ogilvy, sheriff of Angus, with such of the barons of Angus and their followers as he could hastily summon, at a place called by him Glenbrereth, where the sheriff was slain with sixty of his followers.[29] Wyntoun gives a very graphic account of this raid, which he places in the subsequent year, when he says, 'There arose a great discord between Sir David of Lindsay, son of Glenesk, and the Highlandmen, and that in consequence of the former sending a secret spy into the Highlands, a great company of Highlandmen, to the number of three hundred and more, came suddenly into Angus under three chieftains, Thomas, Patrick, and Gibbon, whose surname was Duncanson, and encountered the sheriff at Gasklune, in the Stormont, where the latter was slain.'[30] It is unnecessary to enter into the particulars of the conflict, striking though the details are, but we have more certain information as to the leaders of the Highlanders in a Brief issued by King Robert the Third at a general council held at Perth on the 26th March 1392, and addressed to the sheriff and bailiffs of Aberdeen, directing

[29] *Scotichronicon*, vol. ii. p. 420. [30] Wyntoun's *Chronicle*, vol. iii. p. 58.

them to put to the horn as outlaws the following persons, guilty of the slaughter of Walter de Ogilvy, Walter de Lichton, and others of the king's lieges:—viz., Duncan and Robert Stewarts, Patrick and Thomas Duncansons, Robert de Athale, Andrew Macnayr, Duncan Bryceson, Angus Macnayr, and John Ayson junior, and all others their adherents; and as taking part with them in the slaughter, Slurach and his brothers, with the whole Clanqwhevil, William Mowat, John de Cowts, Donald de Cowts, with their adherents; David de Rose, Alexander M'Kintalyhur, John M'Kintalyhur, Adam Rolson, John Rolson, with their adherents; Duncan Neteraulde, John Mathyson, with their adherents; Morgownde Ruryson and Michael Mathowson, with their adherents.[31] They thus formed six groups. The first group who were directly implicated, with the exception of the Stewarts, belong to Athole; the Duncansons, with Robert de Athale, were the heads of the Clan Donnachie, descended from the old earls who possessed the north-western district bordering upon that of Badenoch; the Macnairs possessed Foss in Strathtummel, and the Aysons, Tullimet in Strathtay. The other five were art and part. The first were Slurach and his brothers, who with their followers formed a clan termed the Clanqwhevil. This is the first appearance of a distinct clan in the Highlands. The second group of the Mowats and Cowtts belonged to Buchan, of which Alexander Stewart was earl; and the third of David de Rose and his followers, must have come from Strathnairn, where the Roses were situated. These groups were, therefore, probably dependants of the Wolf of Badenoch, and the cause of this raid seems to have arisen from this, that Sir David de Lindsay had inherited Glenesk in Angus and the district of Strathnairn from his mother, one of the daughters and co-heirs of Sir John Stirling of Glenesk, while another of the daughters had married

[31] *Acts of Parliament*, vol. i. p. 579.

Robert de Atholia. His possession of Strathnairn would bring him into contact with the Wolf of Badenoch and the northern clans, and a quarrel regarding the succession probably brought the Clan Donnachie into the field.

Combat of two clans on North Inch of Perth in 1396.

The Wolf of Badenoch died in 1394, and two years after, the only Highland clan hitherto mentioned with that designation, came more prominently into the foreground in the very remarkable combat which took place on the North Inch of Perth in the year 1396, and from its peculiarity seems to have attracted general notice, as well as given rise to a controversy with regard to the actors in it, for which it is difficult to provide any satisfactory solution.

The account given by the chroniclers of this remarkable combat differs somewhat as to the details. The earliest account of it is probably that given by Wyntoun, who wrote his Chronicle between 1420 and 1424, or only about twenty-five years after the event. He says that the combat took place at Saint Johnstoun or Perth between sixty men, thirty against thirty, who belonged to two clans who had been at variance in old feud in which their fore elders were slain. He names the clans Clahynnhe (or Clan) Qwhewyl, and Clachiny (or Clan) Ha, and that their chieftains were Scha Ferqwhareisone and Christy Johnesone; that they fought within barriers with bow and axe, knife and sword; but that who had the best of it he could not say, and that fifty or more were slain, and but few escaped with life.[32]

Bower, who wrote nearly twenty-five years later, gives further details. He says that a great part of the north beyond the Grampians had been disturbed by two turbulent caterans and their followers:—Scheabeg and his kin, who were called Clan Kay, and Cristi Johnson, and his, called Clanquhele, who could by no treaty or arrangement be brought to peace, nor could they be brought under subjection

[32] Wyntoun's *Chronicle*, ed. 1879, vol. iii. p. 63.

to the government, upon which David de Lyndesay of Crawford, and Thomas earl of Moray, interposed and treated between them, so that they agreed to settle their quarrel before the king at Perth, by a combat between thirty chosen men of their kin on each side, armed only with their swords, bows and arrows, and without their plaids or other arms. The combat took place on the North Inch of Perth, in presence of the king, the governor, and a great multitude, on the Monday before Saint Michael's day, when, of the sixty, all were slain except one on the part of the Clan Kay and eleven on the other part. He adds that as they were entering within the barrier, one of the number dashed into the river and escaped by swimming across, on which one of the spectators offered to supply his place for half a mark, on condition that if he survived he was to be maintained during the rest of his life, which was agreed to. The result was that the north was for many years after at peace, and there was no further outbreak of the caterans.[33] The material difference between Bower's account and Wyntoun's is, that he reverses the connection of the chiefs with the clans, and adds the detail of the numbers slain on both sides, and the aid of the volunteer.

The next account is given by Maurice Buchanan, in the Book of Pluscarden, who wrote in 1461, and differs very much from that of Bower. He connects this event with the raid into Angus five years previously, and implies that the same parties were concerned in both, but he does not name the clans. This was so far the case, that the Clan Qwhele took part in both. He says that in 1391 so great a contention had arisen among the wild Scots (*silvestres Scottos*), that their whole country was disturbed by it, and, on that account, the king finding himself unable to restore peace, arranged, in a council of the magnates of the kingdom, that their two principal captains, with their best and most valiant

[33] *Scotichronicon*, vol. ii. p. 420.

friends, amounting on each side to thirty men, should fight in an enclosed field after the manner of judicial combatants (*more duellancium*),[34] with swords only, cross bows having each three arrows only, and this before the king on a certain day on the North Inch of Perth; and this, by the intervention of the earl of Crawford and other nobles, was agreed upon and carried out, when all on both sides were slain except seven, five on the one side and two on the other escaping alive, of which two one escaped by flying to the river and escaping across it, and the other being taken was pardoned with the consent of the other party, though some say that he was hung. In the beginning of the conflict one of the number of one party disappeared and could not be found, on which one of the spectators, who happened to belong to the same clan (*parentela*) and was hostile to the other party, agreed to supply his place for forty shillings, fought most valiantly, and escaped with his life.[35] As the writer of this account was himself a Highlander, this is most probably the account given of the combat on the Highland side, while that of Bower was the account reported in the Lowlands; and the former has more appearance of being the correct account, and agrees better with that of Wyntoun, who could not tell which party gained. It also indicates that the conflict was of the nature of a judicial wager of battle, which is also probably the true view; for if the contention between the clans was a mere ordinary feud, it is difficult to see how this combat should have been the means of restoring peace, but if the dispute related to some difference as to some question of right or privilege which both claimed, it is quite intelligible that it should have been settled by judicial combat before the king.

The only other early notice of this event is in a short chronicle contained in the Chartulary of Moray, which states

[34] See Skene, *De Verborum Sig.*, voce *Duellum*.
[35] *Book of Pluscarden*, vol. i. p. 330.

that the combat took place on the 28th day of September at Perth before the king and the nobles of Scotland, because he found it impossible to establish peace between two clans (*parentelas*) called the Clan Kay and the Clan Qwhwle, whence there were daily slaughtering attacks committed by them. Thirty men on each side without armour, but with bows, swords, and dirks, met in conflict, when all on the side of the Clan Kay were slain except one, and of the other party ten survived.[36]

The Clan Chattan and Clan Cameron.

If this event was connected with the raid of Angus which preceded it, the events which followed may likewise tend to throw light upon the actors in this strange combat. When the royal forces attacked Alexander, Lord of the Isles, in 1429, and put him to flight in Lochaber, the chroniclers tell us, that at the sight of the royal standard, he was deserted by two tribes, who submitted to the royal authority. They are termed by Bower the Clan Katan and Clan Cameron, and by Maurice Buchanan, more correctly, the *Clan de Guyllequhatan* and *Clan Cameron*. This was on the eve of St. John the Baptist's day, that is, on the 23d of June, and on the following Palm Sunday, which is on the 20th day of the following month of March, we are told by the chroniclers that the Clan Chattan attacked the Clan Cameron when assembled in a certain church, to which they set fire and destroyed nearly the whole clan. Although the Clan Chattan are here said, in general terms, to have deserted the Lord of the Isles, it appears that a part of the clan still adhered to his cause, for after his restoration to liberty, we find him in 1443 granting a charter to Malcolm MacIntosh of the forty merk lands of Keppoch and others in the lordship of Lochaber, and in 1447 he confers upon him the office of bailie or steward of the lordship of Lochaber.[37] This Malcolm, who is called in the second charter his cousin,

[36] *Chart. of Moray*, p. 382.

[37] MacIntosh Charters.

was related to the Lord of the Isles through his mother, who was a daughter of his grandfather Angus, Lord of the Isles, and was thus probably led to adhere to him. The same lands are confirmed to his son Duncan MacIntosh in 1466, by John, Lord of the Isles,[38] and in this charter he is termed Captain of Clan Chattan, which is the first appearance of this designation.

Neither were the Clan Cameron entirely destroyed, for we find Alan, son of Donald Duff, appearing in 1472 as Captain of the Clan Cameron, and in 1492, Alexander of the Isles, Lord of Lochalsh and Lochiel, grants the lands of Lochiel to Ewen, son of Alan, son of Donald, Captain of Clan Cameron. It would thus appear that a part only of these two clans had deserted the Lord of the Isles in 1429, and a part adhered to him, that the conflict on Palm Sunday was between the former part of these clans, and that the leaders of those who adhered to the Lord of the Isles became afterwards recognised as captains of the respective clans. It further appears that there was, within no distant time after the conflict on the North Inch of Perth, a bitter feud between the two clans who had deserted the Lord of the Isles, and there are indications that this was merely the renewal of an older quarrel, for both clans undoubtedly contested the right to the lands of Glenlui and Locharkaig in Lochaber, to which William MacIntosh received a charter from the Lord of the Isles in 1336, while they unquestionably afterwards formed a part of the territory possessed by the Camerons.

By the later historians one of the clans who fought on the North Inch of Perth, and who were termed by the earlier chroniclers *Clan Quhele*, are identified with the Clan Chattan,[39] and that this identification is well founded, so far as

[38] *Reg. Mag. Sig.*, lib. xiii. No. 96.

[39] Hector Boece terms them the Clan Quhete, substituting simply *t* for *l*. His translators Bellenden, Leslie, and Buchanan, all have Clan Chattan.

regards that part of the clan which adhered to the royal cause, while that in the part of the Clan Cameron who followed the same course, and were nearly entirely destroyed on Palm Sunday, we may recognise their opponents the Clan Kay, is not without much probability.

The Clan Chattan in later times consisted of sixteen septs, who followed MacIntosh as captain of the clan, but did not recognise him as one of the race, and regarded MacPherson of Cluny, head of the sept called *Clan Vuireach*, as the male representative of the founder of the clan. The first of the MacIntoshes who appears with the title of Captain of Clan Chattan is Duncan MacIntosh, the son of Malcolm, in 1400 and in 1466, and he was probably placed by the Lord of the Isles over that part of the clan who adhered to him. Eight of the septs forming the later Clan Chattan may be put aside as having been affiliated to the clan subsequently to the year 1429, as well as the family of MacIntosh, descended from Malcolm. The remainder represent the clan as it existed before that date. It consisted of an older sept of MacIntoshes, who possessed lands in Badenoch, the principal of which was Rothiemurchus, and appears to have claimed those of Glenlui and Locharkaig in Lochaber. The eight septs who then formed the Clan Chattan proper were the *Clan Vuirich* or MacPhersons, and the *Clan Day* or Davidsons, who were called the old Clan Chattan, and six stranger septs, who took protection from the clan. These were the *Clan Vic Ghillevray* or MacGillivrays, the *Clan Vean* or MacBeans, the *Clan Vic Govies*, the *Clan Tarrel*, the *Clan Cheanduy*, and the *Sliochd Gowchruim* or Smiths. The *Clan Vic Govies*, however, were a branch of the Clan Cameron, and the *Sliochd Gowchruim* were believed to be descendants of the person who supplied the place of the missing member of the clan at the combat on the North Inch of Perth, and who was said to have been a smith.

The Clan Cameron, on the other hand, consisted of four septs. These were the *Clan Gillanfhaigh* or Gillonie, or Camerons of Invermalie and Strone, the *Clan Soirlie*, or Camerons of Glenevis, the *Clan Vic Mhartain*, or MacMartins of Letterfinlay, and the Camerons of Lochiel. The latter were the sept whose head became Captain of Clan Cameron and adhered to the Lord of the Isles, while the three former represented the part of the clan who seceded from him in 1429. Besides these there were dependent septs, the chief of which were the *Clan Vic Gilveil* or M'Millans, and these were believed to be of the race of Clan Chattan. The connection between the two clans is thus apparent. Now there are preserved genealogies of both clans in their earlier forms, written not long after the year 1429. One is termed the 'Genealogy of the Clan an Toisig, that is, the Clan Gillachattan,' and gives it in two separate lines. The first represented the older MacIntoshes. The second is deduced from Gillachattan Mor, the eponymus of the clan. His great-grandson Muireach, from whom the Clan Vuireach takes its name, has a son Domnall or Donald, called *in Caimgilla*, and this word when aspirated would form the name Kevil or *Quhevil*.[40] The chief seat of this branch of the clan can also be ascertained, for Alexander, Lord of the Isles and Earl of Ross, confirms a charter granted by William, earl of Ross, in 1338 of the lands of Dalnafert and Kinrorayth or Kinrara, under reservation of one acre of ground near the Stychan of the town of Dalnavert, where was situated the manor of the late Scayth, son of Ferchard,[41] and we find a '*Tsead*, son of Ferquhar' in the Genealogy at the same period. Moreover the grandson of this Scayth was *Disiab* or Shaw, who thus was contemporary with the Shaw who fought in 1396. The

[40] Just as Saint Caimhghin of Glendalough became Saint Kevin, so Caimhghilla became Kevil. Bower uses *k* for *c* and *quh* for *ch*.

[41] *Miscellany of the Spalding Club*, vol. iv. p. 26.

gravestone said to mark the grave of Shaw *Corshiacloch*, or buck-toothed, whom tradition declares to be the Shaw who led the clan at the combat, was, according to Shaw, still to be seen in the adjacent church of Rothiemurchus. He is also said to have married the daughter of Kenneth Macvuireach, ancestor of the Macpherson of Cluny, and in him and his father-in-law we may probably recognise the 'Kenethus Mor with his son-in-law, leader of two thousand men,' who were arrested by James the First at his Parliament at Inverness in 1427.[42] With regard to the Clan Cameron, the invariable tradition is that the head of the MacGillonies or *MacGillaanaigh* led the clan who fought with the Clan Chattan during the long feud between them, and the old Genealogy terms the Cameron's *Clan Maclanfhaigh*, or the race of the servant of the prophet, and deduces them from a common ancestor the *Clan Maelanfhaigh* and the *Clan Camshron*, and as the epithet *an Caimgilla*, when aspirated, would become *Kevil*, so the word *Fhaigh* in its aspirated form would be represented by the *Hay* of the chroniclers.[43]

John Major probably gives the clew to the whole transaction, when he tells us that 'these two clans'—the Clan Chattan and Clan Cameron, which we have seen had a certain connection through their dependent septs, 'were of one blood, having but little in lordships, but following one head of their race as principal with their kinsmen and dependants.'[44] He is apparently describing their position before these dissensions broke out between them, and his description refers us back to

[42] *Hist. of Moray*, p. 67. This Shaw was believed to be the first of the Shaws of Rothiemurchus, but the earlier part of the pedigree of this family is quite fictitious, for he is made to be the son of Gilchrist, son of John, who was in fact his opponent. He is said by Shaw to have died in 1405, but the traditionary dates connected with the Clan Chattan history are quite unreliable.

[43] These genealogies are printed in the Appendix.

[44] Tribus hæ sunt consanguinei parum in dominiis habentes, sed unum caput progeniei tanquam principem sequentes cum suis affinibus et subditis.—J. Major, *Scot. Hist.*, lib. vi. f. 132.

the period when the two clans formed one tribe, possessing the district of Lochaber as their *Tuath* or country, where the lands in dispute—Glenlui and Locharkaig—were probably the official demesne of the old *Toisech* or head of the tribe.

The Chief and the Kinsmen.

The clans are here described as consisting of two divisions: The one of the Kinsmen, or those of the blood of the sept; the other of the dependants or subordinate septs, who might be of different race. The former clan are well defined in the Gartmore MS., written in the year 1747. The writer says that 'the property of these Highlands belongs to a great many different persons, who are more or less considerable in proportion to the extent of their estates, and to the command of men that live upon them, or follow them, on account of this clanship, out of the estates of others. These lands are set by the landlord during pleasure, or a short tack, to people whom they call goodmen (*Duine Uasail*), and who are of a superior station to the commonalty. These are generally the sons, brothers, cousins, or nearest relations of the landlord (or chief). This, by means of a small portion, and the liberality of their relations, they are able to stock, and which they, their children and grandchildren, possess at an easy rent, till a nearer descendant be again preferred to it. As the propinquity removes, they become less considered, till at last they degenerate to be of the common people, unless some accidental acquisition of wealth supports them above their station. As this hath been an ancient custom, most of the farmers and cottars are of the name and clan of the proprietor.' This exactly describes the Irish *Finé* in its restricted sense, where the immediate kin of the *Ceannfiné* or chief consists of seventeen persons, forming the *Duthach Finé*, from whence they pass by degrees into the *Duthaigh Daine* or commonalty of the *Finé* or sept.

The native-men.

The dependent septs, on the other hand, represent the *Fuidhir* of the Irish tribal system. Their position will be

best understood by the Bonds of Manrent or Manred, which came to be taken by the chiefs from their dependants when the relation constituted by usage and traditional custom was relaxed by time, or when a new relationship was constituted at a later period. Thus in a bond by a sept of M'Gillikeyr to John Campbell of Glenurchy, in 1547, he declares that they have chosen him of their own free motive to their chief to be their protector in all great actions, as a chief does in the countries of the Highlands, and shall have lands of him in assedation; and when any of them deceases shall leave to him and his heirs 'ane cawlpe of kenkynie,' as is used in the countries about. Again, in a bond by Duncan M'Olcallum and others of the Clan Teir to Colyne Campbell of Glenurchay in 1556, they state that in consequence of the slaughter of Johne M'Gillenlay, foster-brother of Sir Colyne Campbell of Glenurchay, their predecessor, for sythment and recompence of said slaughter, had delivered to him one of the principal committers of it called John Roy M'Ynteir, to be punished at his will; and moreover had elected and taken him and his heirs for their chiefs and masters, and given to him their calps, which calps the said Colyne, Sir Duncan Campbell of Glenurchay, his son that deceased at Flodden (1513), and all other lairds of Glenurchay had since taken up; and the said Clan Teir of new ratify the bond in favour of Colyne, now of Glenurchay. Again, we find in 1559 Archibald, earl of Argyll, transferring to his cousin Colyne Campbell of Glenurchay and his heirs-male the manrent, homage, and service which his predecessors and he had and has of the 'haill kyn and surname of the Clanlaurane and their posteritie,' together with the uptaking of their calps, providing the said Colyne obtain their consent thereto.[45]

It is unnecessary to quote more of these bonds, which are

[45] *Black Book of Taymouth*, pp. 185, 200. Many others of the same description will be found in this book.

usually in the same terms; and we may conclude with the following taken from 'ane list of the native-men of Craignish.' In 1592 Malcolme Moir Makesaig and his sons appeared at Barrichbyan, and gave to their well-beloved Ronald Campbell McEan VcDonald of Barrichbyan and his heirs their bond of manred and calpis for ever, and shall follow and obey him and his heirs in whatever place he and his foresaids transport themselves in the country or without; and shall obey them as native-men ought and should do to their chief; and Ronald obliges himself and his heirs to be a good chief and master to them as his native-men, and to give to them their duty that they and their succession of men and women ought to have after calpis, conform to the use of the country. In 1595 similar agreements were made by other small septs, and in a bond of manrent granted by Gillicallum McDonchie VcIntyre VcCoshen to Ranald Campbell of Barrechebyan in 1612, in which he states, 'Forasmuch as I understand of gude memorie that the surname of Clanntyre VcCoshen wer of auld native-men, servandis and dependaris to the house and surename of Clandule Cregnis, *alias* Campbellis in Cregnis, and willing of my dewtie to renew the band and service of my sadis forbearis war of auld, and dewtie to the sadis house and surename, and acknowledging Rannald Campbell of Barrichbyan to be of the samin house and surname,' he becomes bound, for himself and all others descended of his body, 'to be leill, trew, and of auld, native-men in all lawlieness and subjection to the said Rannald and his airis-male for ever, and that according as my predecessors were in use of befoir, and as ony native-men are in use in Argyll, in special sall serve be sea and land the said Rannald, etc.; and in token to uplift from me at my decease the second but aucht that I sall have at the time foresaid in name of calp, to wit, ane hors, meir, or mart;' and 'providing alwayis the said Rannald and his airis do the dewtie of ane chief or maister

to me and my airis male and female, as use is; attour I grant me, as use is, to haif gotten at the making heirof ane guid and sufficient sword, ressavit and deliverit be the said Rannald to remane as ane memoriall taikin of this my band of manrent.'[46]

Another feature in the relation between the chief and his kinsmen with their dependent septs was the custom of fosterage which prevailed among the Highland clans as it characterised the Irish tribes. The written contracts of fosterage, which, like the bonds of manrent, superseded the unwritten usage during the transition period when the older Celtic law was losing its influence, and when it became necessary for the chiefs to secure their ancient privileges from passing away under the pressure of other influences, will afford us the best means of ascertaining the true nature of this custom. We may refer to the terms of a few of those which have been preserved. In 1510 we have an obligation by Johne M'Neill Vreik in Stronferna, and Gregoure his brother, to receive Coleyne Campbell, lawful third son to Coleyne Campbell, the eldest son and heir of Sir Duncan Campbell of Glenurquhay, knight, in fostering, and to give him a bairn's part of gear; and giving to the said Sir Duncan and his heirs their bonds of *Manrent* and *Calps*, that is, the best aucht in their houses the times of their decease; the said Sir Duncan and Coleyne his son being bound to defend the said John and Gregour in the lands of Stronferna, and the rest of the *rowmis* they possess, as law will.[47] Again, in 1580, there is a contract between Duncane Campbell, fiar of Glenurquhay, and his native servant Gillecreist Makdonchy Duff V^c^Nokerd and Katherine Neyn Douill Vekconchy his spouse, in which the latter bind themselves to take in fostering Duncane Campbell, son to the said Duncane, to be sustained by them

Fosterage.

[46] *Collectanea de Rebus Albanicis*, p. 206.

[47] *Black Book of Taymouth*, p. 179.

in meat, drink, and nourishment till he be sent to the schools with the advice of friends, and to sustain him at the schools with reasonable support, the said father and foster-father giving between them of *Makhelve* goods in donation to the said bairn at Beltane thereafter, the value of two hundred merks of ky and two horses or two mares worth forty merks; these goods, with their increase, to pertain to the said bairn as his own chance bears him to, but their milk to pertain to the said foster-father and mother so long as they sustain the said bairn, and until he be sent to the schools, except so much of the milk as will pay the mails of pasture-lands for the said cattle, which the said foster-father is bound to find for them upon Lochaw, and until such be got he finding for them the half of the lands of Auchakynnay, etc.[48]

The next contract in date, which we shall quote, takes us to the Western Isles. It is a contract in 1612, by which Sir Roderick Macleod of Dunvegan gives his son Norman to John, son of the son of Kenneth, to foster; and it is a very remarkable document, for it is written in Gaelic in the Irish character of the time. The conditions are, that if John dies first the child is to remain with the widow, but the guardianship with John's brother Angus, who is to have the entire charge of the child if the widow marries again; and Sir Roderick is to have a son's share of the stock (the bairn's part of the other contracts) during the life of himself and his heir and the foster-child, along with John's heirs. The stock (*Sealbh*) which is to be put into possession of the foster-child is four mares given by the foster-father, and other four mares by the father Sir Roderick, along with three which he promised him when he took him to his bosom. The charge and keeping of the seven mares given by the father to be with the foster-father, in order to put them to increase for his foster-son; and the care and keeping of the four mares given by the

[48] *Black Book of Taymouth*, p. 223.

foster-father to be with the father, to put them to increase for him in like manner. Among the witnesses to this contract are the ministers of Duirinish and Bracadale.[49] The last we shall notice is as late as the year 1665, and is a contract betwixt George Campbell of Airds in Argyllshire and Donald Dow M'Ewin in Ardmastill and Roiss N'Odochardie his wife, by which George Campbell gives in fostering to Donald Dow and his wife, Isobell Campbell, his lawful daughter, for the space of seven years from next Beltane, and gives to her as M'Heliff (*Shealbh*) two new-calved kyne with a calf and a year-old stirk, a two-year-old quey at Beltane next, and another two-year-old quey at Beltane 1667; and Donald Dow and his spouse give to their foster-child two farrow kyne, with a stirk and a two-year-old quey at Beltane, and another two-year-old quey at Beltane 1667. The whole of their cattle with their increase to be in the custody of the foster-father and mother during these seven years, the milk to belong to the foster-father and the increase of the cattle to the foster-child; but the father is to grass the yeald kyne yearly, if the foster-father have not sufficient pasturage for them. In addition to this, the foster-father and his spouse give the foster-child a bairn's part and portion of their whole goods and gear which shall belong to them at their decease, as if she was their own lawful child.[50]

The Clan and its Members.

While the clan, viewed as a single community, thus consisted of the chief, with his kinsmen to a certain limited degree of relationship; the commonalty who were of the same blood, who all bore the same name, and his dependants, consisting of subordinate septs of native-men, who did not claim to be of the blood of the chief, but were either probably descended from the more ancient occupiers of the soil, or were broken men from other clans, who had taken

[49] *National MSS. of Scotland*, vol. ii. No. 84.

[50] *Collectanea de Rebus Albanicis*, p. 20.

protection from him, the influence of the acquisition of the right of property in land, which had originally developed the septs out of the tribe, likewise tended to make smaller septs within the clan. Those kinsmen of the chief who acquired the property of their land founded families, in which the land became hereditary, and which thus became the centres of a new organisation within the clan. The most influential of these was that of the oldest cadet in the family which had been longest separated from the main stem, and usually presented the appearance of a rival house little less powerful than that of the chief. There is perhaps no better description of the form which the clan ultimately assumed, and of the spirit which animated its members, than that given by an acute observer in the early part of last century.[51] 'The Highlanders,' he says, 'are divided into tribes or clans, under chiefs or chieftains, as they are called in the laws of Scotland; and each clan again divided into branches from the main stock, who have chieftains over them. These are subdivided into smaller branches of fifty or sixty men, who deduce their original from their particular chieftains, and rely upon them as their more immediate protectors and defenders. The ordinary Highlanders esteem it the most sublime degree of virtue to love their chief and pay him a blind obedience, although it be in opposition to the government, the laws of the kingdom, or even to the law of God. Next to this love of their chief is that of the particular branch from whence they sprang, and, in a third degree, to those of the whole clan or name, whom they will assist, right or wrong, against those of any other tribe with which they are at variance. They likewise owe goodwill to such clans as they esteem to be their particular well-wishers; and, lastly, they have an adherence one to another as Highlanders in opposi-

[51] *Letters from a gentleman in the North of Scotland in* 1726, vol. ii. p. 1. A few unnecessary expressions have been omitted.

tion to the people of the Low Country, whom they despise as inferior to them in courage, and believe they have a right to plunder them whenever it is in their power. This last arises from a tradition that the Lowlands, in old times, were the possession of their ancestors. The chief exercises an arbitrary authority over his vassals, determines all differences and disputes that happen among them, and levies taxes upon extraordinary occasions, such as the marriage of a daughter, building a house, or some pretence for his support and the honour of the name. This power of the chiefs is not supported by interest as they are landlords, but as lineally descended from the old patriarchs or fathers of the families.'

CHAPTER IX.

THE CLANS AND THEIR GENEALOGIES.

State of the Highlands in the sixteenth century.

THE forfeiture of the last Lord of the Isles, and the annexation of a great part of his territories to the crown, finally brought the whole clans of the Highlands and Islands into direct subjection to the royal authority, but the removal of the old hereditary rulers of the provinces, and the substitution of a central authority which could make itself but little felt beyond the Highland Line, left the clans without any practical control, and the sixteenth century is mainly characterised by internal conflicts between the clans themselves, which increased the power of some, and broke up the solidarity of others, and by the gradual advance in influence and extent of territory in Argyllshire of the Campbells, whose astuteness and foresight led them to a uniform support of the royal authority, while the Mackenzies acquired a hardly less influential position in Ross-shire.[1]

From the early part of the fifteenth century, when Donald of the Isles had invaded the Low Country at the head of a Highland army of ten thousand men, till the outbreak of the civil war in the reign of Charles the First, the clans had never broken through the barriers which separated them from the Lowlands in the form of one united army; and it was

[1] The history of the clans from the forfeiture of the Lords of the Isles in 1492 to the year 1625 is given with great accuracy and detail in Mr. Gregory's *History of the West Highlands and Isles of Scotland.*

not till Montrose raised the Highland clans to make a diversion in favour of the king in the north that their power as a united people was at all recognised. The rapid and brilliant campaigns of Montrose showed what the clans were capable of effecting when brought together and skilfully handled, though opposed by all the power and influence of Gillespic Gruamach, the Earl of Argyll and head of the Campbells. The normal relation of the Highlanders and Lowlanders to each other is graphically put by one of the greatest of modern writers, who was thoroughly acquainted with the subject, when he says, 'The inhabitants of the Lowlands were indeed aware that there existed, in the extremity of the island, amid wilder mountains and broader lakes than their own, tribes of men called clans, living each under the rule of their own chief, wearing a peculiar dress, speaking an unknown language, and going armed even in the most ordinary and peaceable vocations. The more southern counties saw specimens of these men following the droves of cattle which were the sole exportable commodity of their country, plaided, bonneted, belted, and brogued, and driving their bullocks, as Virgil is said to have spread his manure, with an air of great dignity and consequence.[2] To their nearer Lowland neighbours they were known by more fierce and frequent causes of acquaintance; by the forays which they made upon the inhabitants of the plains, and the tribute, or protection-money, which they exacted from those whose possessions they spared.'[3]

Names and position of the clans.

Repeated attempts were made by the kings to control the turbulence of the clans, and to bring them under more complete subjection to the government, but it was not till the reign of James that a serious effort was made by Parliament

[2] In 1566 the Privy Council issued a proclamation 'that none presume to molest the Highlanders resorting to markets in the Lowlands.'—*Collectanea de Rebus Albanicis*, p. 151.

[3] Article on the Culloden Papers in the *Quarterly Review* for January 1826, written by Sir Walter Scott.

to effect this, when three very important Acts were passed, which put us in possession of detailed information as to the number and names of the clans at the time. In 1587 an Act was passed 'for the quieting and keeping in obedience of the disorderit subjectis inhabitants of the Borders, Highlands and Isles.' It is unnecessary to enter into any detail as to the description given in this Act of the state of these parts of the country, which is sufficiently highly coloured, and of the remedies proposed by the statute; but annexed to it are two rolls—one 'of the names of the Landlords and Baillies of lands dwelling on the Borders and in the Highlands where broken men has dwelt and presently dwells;' and the other, 'of the Clans that have Captains, Chiefs, and Chieftains, on whom they depend ofttimes against the will of their Landlords, as well on the Borders as the Highlands, and of some special persons of branches of the said clans.'[4] Here the landlord or feudal overlord is distinguished from the captain, chief, and chieftain, or tribal head of the clan, both characters being sometimes united in the same person, and at other times vested in different persons. Neither are the titles of captain, chief, and chieftain synonymous. The captain was the person who actually led the clan, whether representing the founder of the clan in the male line or not, while the chief was the *Ceanncine*, or hereditary head of the tribe, who possessed that character, and the chieftain, the *Ceanntighe*, or head of a subordinate sept. The chief was usually also the captain, but when he was either set aside from incapacity, or the pre-eminent military and administrative talents of a member of the clan led to the tribe taking the unusual course of adopting him to be their leader, as better able to protect them, he was simply termed Captain of the Clan, and the position and title usually remained with his descendants, especially if he had obtained a feudal title to the lands.[5] The whole of the clan,

[4] *Acts of Parl.*, vol. iii. p. 462. [5] Thus it was only after the tem-

however, seldom acquiesced in the adoption of a leader separate from the hereditary chief, and in every clan where the actual head of it bore the title of Captain we find a controversy as to the right to the chiefship, and a part of the clan holding off from the rest.[6]

Another statute was passed in 1594 'for punishment of thift, reif, oppression, and sorning.'[7] It contains within it a list of clans and surnames inhabiting the Highlands and Isles, and likewise a list of broken men of surnames inhabiting the sheriffdoms of Argyll, Bute, Dumbarton, Stirling, Perth, Forfar, Aberdeen, Banff, Elgin, Forres, Nairn, Inverness, and Cromarty; and stewartries of Stratherne and Menteith. These lists of clans and broken men, with a list furnished by MacVureach of the clans who joined Montrose, gives us a tolerably complete view of the state of the Highland clans at the time, and they may be thus stated, following the order of the districts which they inhabited.

The Highland district of the earldom of Lennox was occupied by the Clan Pharlane, undoubted descendants of the old earls of Lennox. The clan takes its name from Parlane or Bartholomew, a great-grandson of Gilchrist, third son of Alain, earl of Lennox, and the steps of the pedigree rest upon charter evidence. Next to them were the Clan Gregor, on the east side of Lochlomond and around Loch Katrine. In Balquhidder we find the Clan *Labhran* or

porary break-up of the Clan Chattan and Clan Cameron in 1429 that we find captains of these clans appearing; and when Hector MacIntosh, bastard son of Ferquhard MacIntosh, who died in 1574, led the clan for a time, he is termed in 1529 Captain of Clan Chattan. The first Captain of Clanranald was Ian Mudortach, the bastard son of a second son; and the only time that this title appears in connection with the Clan Hustain, or Macdonalds of Sleat, is when it was led by an uncle of the chief, then in minority, who appears as Captain of the Clan Hustain.

[6] As in the Clan Chattan, where the Clan Vuireach, or old Clan Chattan, seldom recognised the authority of the captain; and in the Clanranald, where the MacDonells of Glengarry held aloof.

[7] *Acts of Parliament*, vol. iv. p. 71.

Lauren, and in Atholl the clan possessing the largest territory was the Clan Donnachie, whose descent from Duncan, son of Andrew de Atholia, likewise rests upon charter evidence, and whose name of De Atholia sufficiently indicates that they were the male representatives of the old earls of Atholl. With Glenshee and Glenisla is connected a clan called the Clan M'Thomas. Crossing the Mounth we find the Highland districts of Mar and Buchan occupied by the Clan Chattan, who likewise, with their branches and dependent septs, extended over Strathdearn, Strathnairn, and Badenoch, into the district of Lochaber. In Ross-shire were the Clan Andres or Rosses and the Clan Kenneth or Mackenzies, and in the Highland districts of Sutherland and Caithness, forming the north-west corner of Scotland, were the Clan Morgan or Mackays and the Clan Gunn. The clans which occupied the principal position in the great district of Argyll and the Isles were the different clans into which the descendants of the powerful Lords of the Isles and Knights of Argyll broke up on the termination of the main line. There were the Clann *Dubhgal* or Macdougalls of Lorne, descended from Dubhgal, the eldest son of Somerled; the Clandonald descended from Domnall, son of Reginald or Ranald, his second son; and this great sept was again broken up into six clans. These were the Clandonald north and south, that is, the Clan *Hustain* or MacDonalds of Slate, and the Clan *Eoin Mor* or MacConnells of Isla and Kintyre, descended from Donald, eldest son of John, Lord of the Isles, by the king's daughter, and from Eoin Mor, his second son, respectively. From Ranald, son of Alaster, his third son, sprang the Clanranald of Lochaber, or Macdonalds of Keppoch. From *Eoin Sprangaigh* and Alaster Og, sons of Angus Mor, came the Clan *Ian* or MacIans of Ardnamurchan, and the Clan *Alaster* or MacAlasters of Loup in Kintyre. The most important clans after the Macdonalds were, in Argyll, the Clan *O'Duibhn* or Campbells,

whose original seat was the district of Lochow and Ardskeodnich, and who succeeded to their power. In the Isles the Clan Leod or Macleods of Dunvegan and Glenelg, and those of Lewis, descended from two brothers, were the most powerful; and next them the Clan *Gilleoin* or Macleans of Dowart and Lochbowie, and the Clan *Neill* or Macneills of Gigha and of Barra, and here we see the oldest cadets occupying quite as prominent a position as the main line. The other clans of Argyll and the Isles were, in Cowall, the Clan Lachlan, and the Clan *Ladmann* or Lamont, and between Loch Fine and Lochow the Clan *Neachtan* or MacNaughtons; while Glenorchy was the original seat of the Clan Gregor, and in Lochaber the *Clanchamron*, or Camerons of Lochiel, had their home. In Lochaber and Colonsay were the Clan *Dubhsithé* or Macduffies, and in Mull and Skye the Clan *Fingaine* or Mackinnons and the Clan *Guaire* or Macquarries.

Meaning of Clann, and the personal names from which their patronymics were taken.

This word Clann signifies simply children or descendants, and the clan name thus implies that the members of it are or were supposed to be descended from a common ancestor or eponymus, and they were distinguished from each other by their patronymics, the use of surnames in the proper sense of the term being unknown among them. These patronymics, in the case of the *Ceannciné* or chief and the *Ceanntighs* or heads of the smaller septs, indicated their descent from the founder of the race or sept; those of the members of it who were of the kin of the chief or chieftain showed the personal relation; while the commonalty of the clan simple used a derivative form of the name of the clan, implying merely that they belonged to it. This system is quaintly described by John Elder, clerk, in his letter to King Henry the Eighth in 1542 or 1543. He says—'Now and pleas your excellent Majestie, the said people which inhabitede Scotland afore the incummyng of the said Albanactus (as I have said), being valiant, stronge, and couragious,

although they were savage and wilde, had strange names, as *Morrdhow* .i. Mordachus; *Gillicallum* .i. Malcolmus; *Donyll* .i. Donaldus, and so fourth. Then their sonnis followinge theame in manheid and valianntnes, called theameselves after this manner of wyse, leaving their proper names unexpressede, *Makconyll* .i. filius Donaldi; *Makgillecallum* .i. filius Malcolmi, etc., and so they have contenewide unto this daye.'[8] Thus the head of the whole Clan Donald was simply Macdonald, the chief of the Clan Ranald of Glengarry, *Macmhicalastair*, the captain of Clan Ranald, *Macmhicalain*, and one of the commonalty simply *Domnaillach* or a Macdonald. Besides the clans the statutes distinguish what they term surnames. There were in Lennox, Buchanans, *M'Cawlis* or Macaulays, and Galbraiths; Grahames in Monteith; Stewarts in Atholl, Lorne, and Balquhidder; Menzieses, Fergusons, Spaldings, and MacIntoshes in Atholl; Farquharsons in Braemar; MacPhersons in Strathnairn; Grants in Strathspey; Frasers in the Aird; Rosses and Monros in Ross; and Neilsons in Sutherland. These surnames were of three kinds. There were first names which had a Gaelic form, as Macaulay and Macpherson; or the English equivalent of a Gaelic form, as Farquharson, Ferguson, etc.; secondly, those who had assumed a territorial name, or whose name bore that appearance, as the Buchanans, who likewise bore the name of *Macaustelan*, and took the former designation from their lands, Grants, Rosses, and Monroes; and thirdly, those which were foreign names and of foreign descent, but who had become so assimilated to the Gaelic people as to be identified with them in language, custom, and spirit of clanship, as the Stewarts, Frasers, Menzieses, Spaldings, etc., who had been long settled in the Highlands.

The system of nomenclature, therefore, which characterised the clans and the surnames of Gaelic origin was one

[8] *Collectanea de Rebus Albanicis*, p. 27.

entirely based upon the personal name, and was in no respect territorial; but we find, on examination, that the personal names used by the Gaelic people were of different kinds, and constituted upon different principles. The earliest personal names used by the different branches of the Celtic people appear to have been formed in the same manner, and resemble each other in their structure. On analysing those both of the Cymric and the Gaelic people, we can see that they are compounded of two monosyllables, a certain number of which is used to form the first half of the name and a different set of monosyllables annexed as a termination, and these are combined with each other in every variety of form. The initial syllables are more numerous than the terminal, and it will only be necessary to specify a few to illustrate the formation of these names. Thus in Welsh, *Ael*, *Aer*, *Arth*, *Cad*, and *Cyn* are common initial syllables; and *Teyrn*, *March*, *Gwyr*, and *Gwys* common terminations. These form in combination the names *Aelgyvarch*, *Cadvarch*, *Cynvarch*, *Aerdeyrn*, *Cyndeyrn*, *Arthwyl*, *Cynwys*, etc. So in Gaelic *Aen*, *Art*, *Con*, *Dun*, *Dubh*, *Fear*, *Fin*, and *Gorm* are common initial syllables; and *Gal*[9] and *Gus*, common terminations, and from them are formed *Aengal*, *Artgal*, *Congal*, *Dungal*, *Dubhgal*, *Feargal*, *Fingal*, *Gormgal*, and *Aengus*, *Congus*, *Feargus*, etc. Similar forms existed among the Pictish names, as in *Ungust*, *Urgust*, *Urgart*, *Dergart*, *Gartnaidh*, etc.; and besides the Pictish forms which are analogous to the Irish, we find such Pictish names as *Neachtain*, *Fingaine*, etc., occurring in the Highland Genealogies.

The introduction of Christianity among these Gaelic tribes added another class of names to these older forms. These were formed by prefixing the words *Maol*, that is, bald in the

[9] This syllable *Gal* must not be confounded, as is often done, with *Gall*, a stranger; whence the names *Fingall* and *Dubhgall*, white and black foreigners, were applied to the Norwegians and Danes.

sense of tonsured, and *Giolla*, or servant, first to the words *Iosa* or Jesus, *Criosd* or Christ, *Faidh* the prophet, *Easpuig* the bishop; as in *Maoliosa* or *Giolliosa*, servant of Jesus, *Maolanfhaidh* or *Gillanfhaidh*, servant of the prophet, *Giollachriosd*, servant of Christ, and *Gilleaspuig*, servant of the bishop: and secondly, to the names of the founders and patron saints of the churches, as in *Maolcoluim* or *Giollacoluim*, servant of St. Columba; *Maolbride* or *Giollabride*, servant of St. Bridget; *Giollachattan*, servant of St. Cathan; *Gillanaemh*, servant of the saints; *Giollacoin*, servant of St. John, etc. In these latter names, when combined with the word Clan or Mac, if they commence with a consonant, the prefix *Giolla* is usually omitted, as in Clanchattan, MacCallum, etc.; but if they commence with a vowel, they form that numerous class of names in which Mac is followed by the letter L. Thus *MacGiollacoin* becomes Maclean; *MacGiolla Adomnan*, MacLennan, etc. The conquest of the Western Isles, and the frequent occupation of parts of the mainland by the Norwegians and Danes, and the intermarriages between them, added to these forms, after the ninth century, Norwegian and Danish names, such as Godfred, Harald, Ragnall, Somarled, etc., which became *Gofraidh*, *Aralt*, *Ranald*, *Somhairle*, in the Highland Genealogies. It must not, however, be overlooked that the Norwegians frequently gave to Gaelic names a Norwegian form significant in their own language, as Dungadr for *Donnachaidh*, Griotgardr for *Gregair*, Melkolfr for *Maolcoluim*, etc.

Original importance and position of Clan pedigrees.

In considering the genealogies of the Highland clans we must bear in mind that in the early state of the tribal organisation the pedigree of the sept or clan, and of each member of the tribe, had a very important meaning. Their rights were derived through the common ancestor, and their relation to him, and through him to each other, indicated their position in the succession, as well as their place in the allocation of

the tribe land. In such a state of society the pedigree occupied the same position as the title-deed in the feudal system, and the Sennachies were as much the custodiers of the rights of families as the mere panegyrists of the clan. As long as the Gaelic tribes and the governing and dominant race were of the same lineage, and regulated by the same laws, this system must have remained unaltered; but when the kingdom was formed by a combination of different races, and the influential class consisted of a feudal nobility, while the laws of the country were based upon feudal principles, the position of the Gaelic tribes must have been that of a people possessing a customary law, and an unrecognised social system opposed to the law acted upon by the governing authority, and the latter must always have prevailed in the long-run. When the conflict of these laws in regulating succession, and the frequent insurrections of the Gaelic population, with the confiscations which followed upon them, led to the breaking up of the Gaelic tribes, and to the severance of those ties which bound the septs or clans which had been developed within the tribe to each other, the pedigree would cease to be of value as between clan and clan. The competition between rival interests and rival races would lead to the gratification of vanity becoming the ruling motive, in order to maintain a *quasi* superiority, and likewise, when the exigencies of their position required it, to a falsification and imposture in order to enable the clans to maintain their ground in a field of competition regulated by feudal principles. The pedigrees must then have been greatly influenced by those into competition with whom the clan families were thrown, and by the interests affected in consequence; and when the governing class belonged to a kindred but different race with a different nationality and nomenclature, there must always have been a tendency to assimilate their own traditions to those of the ruling powers. Till the ninth century the Highland

tribes and the ruling powers were of the same race. During the two succeeding centuries these tribes appear to have remained intact, while the dominating race and the clergy were of a kindred race though of a different name and nationality, and the name of Scotia became transferred from Ireland to Scotland. Feudalism then commenced, and spread over the country, and the reigns of the kings of the second Scottish dynasty from the accession of David the First to the death of Alexander the Third was the period of the breaking up of the tribes, and the complete establishment of the clan system; and this likewise was the period of the manipulation of the Chronicles, and the gradual formation of that spurious system of national history which, originating in the ecclesiastical pretensions of St. Andrews, was developed during the great controversy regarding the independence of Scotland, and based upon a Scottish nationality and the supposed colonisation of the country long before the Christian era by Scota and her Scottish descendants, till it was finally reduced to a system by John of Fordun. Its leading features were the colonisation of the Highlands by Scots in the third century before Christ, their conversion in the second century by the relics of St. Andrew, the occupation of the mountain region of the north by the Picts entirely ignored, and that people relegated to the plains of the Lowlands, when they were finally exterminated by the Scots in the ninth century.

First change in Clan pedigrees. Influence of legendary history of Scotland.

It is hardly to be expected that the clans should not have claimed their share in these legendary glories, or that they should have lost the wish to maintain a separate descent with the gradual disappearance of its tradition, and thus this new and preponderating influence would naturally produce the first great change in the clan pedigrees. This change is very clearly exposed in the remarkable letter already quoted of John Elder, clerk, a Reddeshanke, to King Henry the Eighth. In that letter he thus gives the origin of 'the Yrische Lords

of Scotland, commonly called the Reddshanckes, and by historiographers, Picts.' 'Scotland,' he says, 'before the incoming of Albanactus, Brutus's second son, was inhabited, as we read in ancient Yrische stories, with giants and wild people, without order, civility, or manners, and speaks none other language but Yrishe, and was then called Eyryn veagg, that is to say, Little Irland, and the people were callit Eyrynghe, that is to say, Irland men. But after the incoming of Albanactus, in reducing them to order and civility they changed the foresaid name Eyryn veagg, and called it Albon, and their owne names also and called them Albonyghe; which two Yrische wordes, Albon, that is to say Scotland, and Albonyghe, that is to say Scottish men, be derived from Albanactus, our first governor and king.' At the time John Elder wrote, Yrishe, afterwards corrupted into Erse, was currently used for Gaelic; and deducting the nonsense about Eyryn veagg, which seems a fancy of his own, this is the legendary story contained in our earliest documents before the Chronicles were tampered with; but then he gave in to say, 'which derivation the papistical cursed spirituality of Scotland will not hear in no manner of wise, nor confess that ever such a king, named Albanactus, reigned there. The which derivation all the Yrische men of Scotland, which be the ancient stock, cannot nor will not deny.' 'But our said bishops,' he adds, 'deriveth Scotland and themselves from a certain lady named Scota, which came out of Egypt, a miraculous hot country, to recreate herself amongst them in the cold air of Scotland, which they cannot affirm by no probable ancient author.'[10]

Second change. Influence of Irish Sennachies.

The clans, however, were soon after thrown into rapidly-increasing contact with those of Ireland, a people possessing similar pedigrees, and Sennachies surpassing those of Scotland in information and acquirements. The native Sennachies by degrees fell into the background, and the clans began to take

[10] *Collectanea de Rebus Albanicis*, pp. 26, 27.

their Sennachies from the rival race. The first connection between them which had this effect, was the marriage of Angus, Lord of the Isles, who assisted Bruce in his struggle for the crown, with the daughter of O'Kane, Lord of Fermanagh, and widow of the great O'Neill. During the two following centuries septs of the Highland clans were employed as auxiliaries by the great northern Lords of Ireland, under the name of *Galloglach* or foreign soldiers, commonly called Galloglasses. There is ample evidence that during this period a great proportion of the Highland Sennachies were Irish, and that all reverted to Ireland for instruction in their art. It could hardly have been otherwise than that, with the disappearance of the old Highland pedigrees, every presumption and analogy would have driven these Sennachies to the better-preserved Irish pedigrees, to replace what had been lost by connecting them more directly with the Irish tribes, and thus the second great change in the character of their pedigree would be produced. For the clan genealogies at this time we must therefore refer to the Irish MSS., and they are in fact the oldest pedigrees which have been preserved. The MS. collections in which we find them are, first, the Book of Ballimote compiled in the year 1383, the Book of Lecain compiled in 1407, and a MS. belonging to the Faculty of Advocates bearing the date 1467, but the genealogies in which are obviously derived from the same source as those in the Book of Ballimote.[11] To these may be added a few genealogies in other MSS., and those preserved by MacVurich in the Book of Clan Ranald.

Analysis of the Irish Pedigrees.

In these MSS. we find detailed pedigrees of most of the clans enumerated in the Acts of Parliament of 1587 and 1594, and of several clans not there mentioned, as well as of some

[11] The genealogy of the Clan Dubhgal in the Book of Ballimote has the mistake of making Dubhgal the son of Ragnall son of Somairle, in place of making him, as he was, son of Somairle and brother of Ragnall; and the same mistake occurs in the MS. of 1467.

of the surnames. The later portion of these pedigrees, as far back as the *eponymus* or common ancestor from which the clan takes its name, are in general tolerably well vouched, and may be held to be authentic. The older part of the pedigree will be found to be partly historical and partly mythic. So far as these links in the genealogic chain connect the clans with each other within what may be termed the historic period, the pedigree may be genuine; but the links which connect them with the mythic genealogies of the elaborate system of early Irish history, when analysed, prove to be entirely artificial and untrustworthy. In examining the nature of these pedigrees it will be convenient to group them according to their supposed connection with the legendary races of early Irish history.[12]

The first group consists of the Clan *Cailin* or Campbells, and the Clan *Leod* or MacLeods, who are brought from a mythic personage, viz., *Fergus Leith Derg*, son of *Nemedh*, who led a colony of Nemedians from Ireland to Scotland. This Nemedian colony belongs to the older legendary history of Scotland before the Chronicles were corrupted, and may therefore indicate these clans as forming part of the older inhabitants of the districts they occupy. On examining the genealogy of the Campbells we may consider it as authentic as far back as Duncan, son of Gilleaspic, son of Gillacolum, son of Duibne, who is certainly the Duncan M'Duibhn mentioned in one of the Argyll charters as possessing Lochow and Ardskeodnich, and who was contemporary with Alexander the Second. As the Campbells were undoubtedly known in Gaelic as the *Clan O'Duibne*,[13] the genealogy as far back as that eponymus of the race is probably authentic; but as soon as we pass that link we find ourselves in contact

[12] The genealogies contained in these MSS. will be found thus grouped in the Appendix, No. VIII.

[13] President Forbes, in his Memorial states that the Campbells were in Gaelic, Clan Guin or O'Duine.

with Arthur and Uthyr Pendragon, and the other heroes of the Arthurian legend. With the Macleods we cannot proceed so far back, as Leod, the eponymus of the clan, cannot be placed earlier than the middle of the thirteenth century; and as soon as we pass these links in the chain of his pedigree, which have Gaelic names, we plunge into a confused list of names, partly Gaelic and partly of Norwegian and Danish kings of the Isles, with which they are mixed up, till we reach the mythic *Fergus Leith Derg*, whose grandson bears the Norwegian name of Arailt or Harald, centuries before the Norwegians made their appearance in the Isles. The earlier portion then of these two genealogies is obviously artificial.

The next group consists of the supposed descendants of Colla Uais, son of Eochaidh Doimlein, king of Ireland, and comprised the clans descended from Somerled, the petty king of the great district of Argyll in the reign of Malcolm the Fourth. These genealogies, as far back as their great ancestor Somerled, are undoubtedly authentic. His father *Gillabride*, and his grandfather *Gillaadomnan*, both purely Gaelic forms, rest on the authority of the Irish Annals, and *Imergi*, the grandfather of the latter, is probably the Jehmarc, who appears as a Celtic petty king in the year 1031. Beyond this we have no fixed date, but between him and Colla Uais, whose death is placed at 323, we have only seven names given for a period of 700 years, or one hundred years to a generation, which is impossible, and betrays the artificial character of this part of the pedigree.

The third group consists of clans supposed to be descended from the Hy Neill or race of *Neill naoi giallach*, king of Ireland, which brings us nearer historical times. They consist of the Lamonds, the Clan Lachlan, the Mac-Ewens of Otter, and a Clan *Somairle* which has not been identified. These clans are all taken back to a certain

Aoda Alain, termed *Buirche*, son of Anrotan, son of *Aodha Atlamuin*, ancestors of the O'Neills. From Aoda's son Gillacrist the Clan Lachlan came, and from another son Duinsleibe the Lamonds, MacEwens, and Clan Somairle. The genealogy of the Lamonds is authentic as far back as Fearchar, the son of Duinsleibe, but Ferchar's son and grandson are mentioned in a charter in 1246,[14] while the death of Aodha Alain is recorded in 1047, and thus only three generations are placed in two centuries. This derivation too involves the difficulty of supposing that Cowall was peopled from Ireland in the eleventh century, a colony of which there is not a trace in history; but as these clans are locally grouped together we may accept the genealogies as indicating that they had a common origin.

The fourth group consists of the old earls of Lennox and Mar, said to be descended from *Maine Leamna* and *Cairbre Cruithneach*, sons of Corc, son of Lughaigh, king of Munster; but the artificial character of this descent is here very apparent, for Ailin, the first earl of Lennox, who lived in the beginning of the thirteenth century, is made the great-grandson of *Maine Leamna*, whose father was a contemporary of Saint Patrick in the fifth century.

The rest of the Highland clans, whose genealogies are to be found in the Irish MSS., are all brought from the Dalriadic Scots. These clans are mainly connected with the province of Moray and Ross, and thus we have the great anomaly presented to us that the clans forming the great bulk of the inhabitants of Argyll and the Isles—such as the Campbells and Macleods, the great race of the Macdougalls of Lorn, and the Macdonalds of the Isles and Kintyre, and the MacLachlans and Lamonds of Cowall—are not connected by

[14] Charter 'Duncanus filius Ferchar et Laumannus filius Malcolmi nepos ejusdem Duncani' to the monastery of Paisley, of the lands of Kilmor inter 1230 et 1246.—*Chartulary of Paisley*, p. 132; confirmed by Angus, son of Duncan, in 1270.

their genealogies with the Dalriadic colony, but this origin is reserved for the more eastern clans of the central Highlands. There is too the further anomaly that these clans are not deduced from the tribe of *Gabhran*, which furnished kings to Dalriada, and from which the Scottish dynasty founded by Kenneth MacAlpin probably sprang, but from the tribe of *Lorn*, which furnished two kings only to Dalriada, and only came to the front to be immediately annihilated by the Pictish monarch in 736, and then disappear entirely from history. The links in the chain of ancestry which connect these clans with the tribe of Lorn, however, present the same features of artificial construction which characterise the other. In examining these we must group them in four classes. First, those brought from *Fearchar Fada*, king of Dalriada, of the tribe of Lorn, who died in 697. These are first the *Mormaers* of Moray. This genealogy is probably correct enough up to Ruadhri, who is made son of Aireeallach, son of Ferchar; but allowing the usual average of thirty years to a generation, Ruadhri flourished about the year 840, that is, was contemporary with Kenneth MacAlpin, while the death of his supposed father Aireeallach, by whom Ainbhcellach is probably meant, is recorded in 719. Then follows the genealogy of the MacNaughtons, whose eponymus *Neachtain Mor* is made the son of Domnall Duinn, son of Fearchar Fada; but Neachtain Mor cannot be placed earlier than the beginning of the ninth century, and he too must have been contemporary with Kenneth MacAlpin, while his supposed grandfather died in 697. This is followed by the genealogy of the Clan Chattan, and here the anomaly is still greater, for *Gillachattan*, the eponymus of the race, must have flourished in the eleventh century, but between him and Fearchar Fada are only four links during three centuries and a half. Of these links the father Gallbrait and the grandfather Diarmada, called the *Fearleighinn* or Lector, are probably

historical. Along with these the Clan Cameron are placed, though their genealogy does not show the connection with the Dalriads. They were undoubtedly a kindred tribe with the Clan Chattan.

The next group is connected with a *Fearchar Abraruadh* son of *Feradach Finn*, and therefore a brother of Fearchar Fada, but unknown to history, and the only genealogy preserved is that of the *Clan Gillaeoin* or Macleans. This genealogy is given with so much minuteness up to a certain *Sean Dubhgal Sgoinne*, or Old Dugald of Scone, and the ecclesiastical character of the upper links are so obvious, that it is difficult to avoid regarding it as so far trustworthy. This Dubhgal has a son Raingce; and he has three sons—*Cudwilig*, abbot of Leasamor, that is, lay abbot of the monastery of Lismore in Argyllshire, from whom descended *Gillaeoin*, the eponymus of the clan; *Cuchatha*, from whom sprang the *Clan Chonchatha*, in the district of Lennox, by whom possibly the Colquhouns are meant; and *Cusithe*, from whom came the *Clan Consithe* of Fife, which has not been identified. According to the usual calculation, old Dugald of Scone must have flourished about 1100, and in a perambulation of the lands of Kyrknesse and Lochow, in the district of Fortrenn, not long after that date, we find the arbiters were Constantine earl of Fife, Magnus Judex or *Mormaer* in Scotland, Dufgal, son of Mocche, who was aged, just, and venerable (*senex, justus, et venerabilis*), and Meldoinneth son of Machedath, a good and discreet judge (*judex bonus et discretus*).[15] It can hardly be doubted that this Dufgal senex is the *Sean Dubhgal* of Scone of the pedigree, but in that genealogy he is made the son not of Mocche but of Fearchar Abraruadh, who must be placed four centuries earlier.

The next group is brought from *Domnaill Duinn*, son of *Fearadhach Finn*, and consists of the *Clan Labhran*, or

[15] *Chart. of St. Andrews*, p. 117.

Maclarens, and the Clan Aidh. The *Clan Labhran* are deduced from an abbot of Achtus, by which no doubt Achtow in Balquhidder, where this clan had its seat, is meant, and his pedigree is deduced from Domnall Og, son of Domnall Duinn. According to the usual computation, Domnall Oig must be placed in the ninth century, thus contemporary with Kenneth MacAlpin, while his father is made brother of Fearchar Fada, who died in 697. The same remark applies to the genealogy of the clan Aidh. They cannot be identified with any modern clan, but a Gillamithil, son of Aidh, the eponymus of the clan, falls about the same time with Gillemychel M'Ath, father of Duncan, who, in 1232, excambs a davach of land in Strathardel, called Petcarene, with the bishop of Moray for the lands of Dolays Michel in Strathspey.[16]

The remaining genealogies in these MSS. have one common feature, that the genealogy of each of the clans contains in it the name of Cormac, son of Airbertach, but he is differently connected with the line of Lorn, and is placed in many of the genealogies at a different period. They may be thus grouped. The first consists of the *Clan Andres* or Rosses, the *Clan Cainig* or Mackenzies, and the *Clan Matgamma* or Mathesons. These are all brought from a common ancestor, *Gilleoin na hairde* or Gilleon of the Aird, by which, no doubt, the mountainous region in the centre of Ross-shire, the old name of which was Airdross, or the Aird of Ross, is meant. The Rosses and Mathesons are brought from his son Cristin, and the Mackenzies from another son, Gilleon Og, father of *Cainig* or Kenneth, the eponymus of the clan. *Gilleon na hAirde* is made grandson of Loarn, son of Fearchar, son of Cormac mac Airbertach, and the usual calculation would place Cormac in the tenth century; but his father Airbertach is made son of Feradach, and brother of Fearchar Fada,

[16] *Chart. of Moray*, p. 87.

who died in 697. To this group may be added the *Clan Duibsithe* or Macduffys of Lochaber and Colonsay, who are brought from Fearchar, son of Cormac; but the connecting links are shorter and bring him down to two centuries later. The Macnabs are likewise brought from Loarn, son of Fearchar, son of Cormac, which would relegate him also to the tenth century; but in this genealogy, instead of placing Cormac in immediate connection with Fearadach, he is made son of Erc, son of Domnaill Duinn, son of Fearchar Abraruadh, thus corresponding more with the early part of the genealogy of the Clan Labhran and Clan Aidh. The Clan Gregor is likewise brought from Cormac by a son Ainnrias or Andrew, and by this genealogy he is placed in the twelfth century, and is made son of Fearchar Oig, son of Fearchar Fada, who died in 697. The last group consists of the *Clan Guaire* or Macquarrys, the *Clan Fingaine* or Mackinnons, the *Clan Gillamhaol* or Macmillans, and the *Clan Gillaagamnan* or Maclennans, descended respectively from four sons of Cormac—Guaire, Fingaine, Gillcrist called *Gillamhaol*, and Gillaagamnan. By these genealogies Cormac is brought down a century later, and this is probably his true date, and as an ancestor of these clans he is also probably an historical personage, for in the genealogy of the *Clan Gillamhaol* it is added that his father Airbertach possessed twelve tribes or septs (*Treabh*) among the Norwegians—viz., in *Greagraidhe* of the warriors, commonly called Mull, and in Tiree, and in *Craobhinis*, by which Iona is meant, while it is in Mull and the neighbouring islands that the Maclennans and Macquarrys had their possessions; but in these genealogies Airbertach is made son of Murcertach, son of Fearchar Og, and between the latter and Fearchar Fada, the names of Macbeth and his father Finnlaoch, which really belong to the genealogy of the Mormaers of Moray, are introduced.

It is thus obvious how artificial the earlier links of these

Artificial character of these pedigrees.

genealogies are, and that none of them can in fact be pushed further back than the reign of Kenneth MacAlpin, the oldest link in many of them being contemporary with him, while others fall short of that period. Between the oldest link of those which reach that date and the Dalriadic king of the race of Lorn with which they are connected there is a complete blank, and it is thus plain that the same process of manipulation and artificial construction had taken place with these pedigrees, which had perverted the genealogy of the kings of the line of Kenneth MacAlpin. In the latter case an entire century, with all its events, from 740 to 840, had been suppressed, and Kenneth, the founder of the new dynasty in the ninth century, directly connected with the last of the old kings of Dalriada, of the race of Gabhran, who lived a century earlier. In like manner the genealogies of the clans which reach only to the ninth century, were directly connected with the last of the Dalriadic kings of the line of Lorn, who died in 697. It is not without some significance too that we find such Pictish forms as *Neachtain, Fingaine, Morgainn*, etc., occurring in the early part of these pedigrees. They may then be regarded as trustworthy only in so far as they show the links of the descent of each clan from its *eponymus* as believed in the fourteenth and fifteenth centuries, and the grouping of certain clans together where a common ancestor within the historic period is assigned to them.

Third change. Influence of Act of 1597.

During the sixteenth century the clans were brought into direct contact with the Crown, and in the latter part of it serious efforts were made by the Legislature to establish an efficient control over them. These gave rise to the Acts of 1587 and 1594, already referred to; but they were followed in a few years by an important Statute, which had a powerful effect upon the position of the clans, and led to another great change in the theory of their descent. In the Parliament held at Edinburgh in December 1597, an Act was

passed bearing the short but most pregnant title 'That the inhabitants of the Ilis and Hielandis shaw their haldings.' This Act proceeds on the narrative 'that the inhabitants of the Highlands and Isles of this realm, which are for the most part of his Highness's annexed property has not only frustrated his Majesty of the yearly payment of his proper rents and due service addebted by them to his Majesty furth of the said lands, but that they have likewise through their barbarous inhumanity made and presently makes the said Highlands and Isles, which are most commodious in themselves as well by the fertility of the ground as by rich fishings, be so altogether unprofitable both to themselves and to all others his Highness's lieges within this realm, they neither intertein-ing any civil or honest society amongst themselves neither yet admitted others his Highness's lieges to traffic within their bounds with safety of their lives and goods;' and in order that they 'may the better be reduced to ane godly honest and civil manner of living It is statute and ordained that all landlords chieftains and leaders of clans, principal householders, heritors and others possessors or pretending right to any lands within the Highlands and Isles shall betwixt this and the fifteenth day of May next to come compear before the Lords of his Highness's Exchequer at Edinburgh or where it shall happen to sit for the time and there bring and produce with them all their infeftments rights and titles whatsomever whereby they claim right and title to any part of the lands and fishings within the bounds foresaid, and then find sufficient caution acted in the books of Exchequer for yearly and thankful payment to his Majesty of his rents yearly duties and service addedit by them furth of the lands possessed and occupied by them or any in their names and that they themselves their men, tenants, servants, and dependants shall be answerable to his Highness's laws and Justices.' The penalty imposed upon them in case of their

failure to appear and find caution was, that they were 'to forfeit amit and tyne (lose) all pretended infeftments and other right and title they have or may pretend to have to any lands whatever they have holden or pretend to hold of his Majesty either in property or superiority which their pretended infeftments and titles thereof in case of failure are now as then and then as now declared by this present Parliament to be null and of no avail force or effect in themselves.'[17] It has been necessary to quote this Act at some length, in order to show what a powerful weapon it placed in the hands of the Crown, and the embarrassing and precarious position in which it placed the greater proportion of the clans. Many of them had received charters of their lands which had perished during the troubles and conflicts which had followed the forfeiture of the Lords of the Isles. Others had no other right to their lands than what was derived from the forfeited lords. In other cases, where the right to the clan demesne was the subject of dispute between different septs, both parties had received at different times a quasi-title to them. In many cases the nominal superiority was feudally vested in an alien family, while the land was actually possessed by one of the clans; and in many others they had no title but immemorial possession, which they maintained by the sword; while, on the other hand, those who already possessed a nominal right to the lands under feudal titles which they had been unable to enforce, or who saw a great prospect, through the threatened forfeitures, of acquiring possessions in the Highlands and Isles, would eagerly avail themselves of the opportunity afforded them by this Statute. The chiefs of the clans thus found themselves compelled to defend their rights upon grounds which could compete with the claims of their eager opponents, and to maintain an equality of rank and prestige with them in the Heralds' Office,

[17] *Acts of Parliament*, vol. iv. p. 138.

which must drive them to every device necessary to effect their purpose; and they would not hesitate to manufacture titles to the land when they did not exist, and to put forward spurious pedigrees better calculated to maintain their position when a native descent had lost its value and was too weak to serve their purpose.

Spurious Pedigrees.

From this period manuscript histories of the leading Highland families began to be compiled, in which these pretensions were advanced and spurious charters inserted, and from these manuscript histories were compiled the later account of the clans contained in the Peerage and Baronage, as well as in the 'Inquiry and the Genealogy and Present State of the Ancient Scottish Surnames, with the Origin and Descent of the Highland Clans and Family of Buchanan, by William Buchanan of Auchmar,' published in the year 1723. The form which these pretentious genealogies took was that of making the *eponymus* or male ancestor of the clan a Norwegian, Dane, or Norman, or a cadet of some distinguished family, who succeeded to the chiefship and to the territory of the clan by marriage with the daughter and heiress of the last of the old Celtic line, thus combining the advantage of a descent which could compete with that of the great Norman families with a feudal succession to their lands; and the new form of the clan genealogy would have the greater tendency to assume this form where the clan name was derived not from a personal name or patronymic but from a personal epithet of its founder. Thus Hacken, a Norwegian, was said from his prowess to have been termed *Grandt*, or great, and his grandson *Aulan*, or Allan Grandt, marries Mora, daughter and heiress of Neil Macgregor, a descendant of Gregory the Great, king of Scotland, with whom he obtains the barony of Bellachastell and Freuchie in Strathspey, the patrimony of the Grants; *Cambro*, a Dane,[18] in the beginning of the reign

[18] Manuscript Hist. of the Grants.

of Alexander the Second, marries the daughter and heiress of MacMartin, proprietor of that part of Lochaber now possessed by Lochiel, chief of the Camerons;[19] Colin Fitzgerald, son to the earl of Kildare in Ireland, marries the daughter and heiress of Kenneth Matheson, from whom his son Kenneth was called *Mackenneth* or Mackenzie, and obtained with her the lands of Kintail;[20] Angus MacIntosh, descended from Shaw Macduff, a second son of the earl of Fife, marries Eva, daughter and heiress of Gilpatrick, son of Dougal Dall, chief of the Clan Chattan, and obtained with her the lands of Glenluy and Locharkaig;[21] and even the powerful family of the Campbells, who had always supported the Crown, and whose chief had been created earl of Argyll, caught the infection, and now asserted that Malcolm, son of Duibhne, the *eponymus* of the clan, had gone to Normandy, and there married the daughter and heiress of the Norman family of De Campobello, and took the name, which was corrupted into Campbell, and his son marries the inevitable Eva, daughter of Paul MacDuibhne, the last of the old line.[22]

The foundation of the Grant story seems merely to be that the earliest Grant known was Gregory le Grant, whose sons Laurence and Robert called Grant (*dicti Grant*) witness an agreement between the bishop of Moray and John Bisset in 1258. The name Grant is obviously a personal epithet, and may as well be derived from the Gaelic *Grannda*, ill-favoured, as from the Latin *Grandis*, or any other foreign word which resembles it.

The Clan Chameron, as we have seen, formed originally one tribe with the Clan Chattan, and their true ancestor in the early part of the reign of Alexander the Second can be

[19] Buchanan of Auchmar's Inquiry.

[20] MS. Hist. of M'Kenzies.

[21] MS. Hist. of M'Intoshes.

[22] MS. Histories of the family. See also Campbell's *West Highland Tales*, vol. iii. p. 87. Mr. Campbell, however, erroneously translates the name of Duimhn as Brown. The word has no connection whatever with the Gaelic Donn, which signifies brown.

ascertained, for the Irish MSS. deduce their descent from a certain Gillroid, son of Gillamartan, to whom a line of Celtic progenitors is given, and he seems to be the same person with the Gillroth who, according to Fordun, was the chief supporter of Gillespic Macohegan, of the line of Mac-William, who raised an insurrection in 1222, as a charter of lands in Galloway, about the same period, is witnessed by Gillespic Macohegan and Gilleroth son of Gillemartan.[23]

But the most remarkable of these spurious origins is that claimed by the Mackenzies. It appears to have been first put forward by Sir George Mackenzie, first Earl of Cromarty, who wrote an account of the family in the form of a letter, and afterwards a shorter account under the title of 'The Genealogie of the Mackenzies preceding the year 1661, written in the year 1669 by a persone of qualitie,'[24] of which there is no doubt he was the author. The story, as told by him in the first account, is this:—'Tradition informs us that our first was a sone of the earl of Kildare's, who came to Scotland in King Alexander the Third's time, called Coline Gerald, fought on the side of the Scots at the battle of Largs;' but finding that there was no earl of Kildare till 1290, he corrects it by making him son of John Fitz-Thomas, chief of the Geraldines in Ireland, and father of John, first earl of Kildare, who was slain in 1261. But in the second account, two sons of John Fitz-Thomas, Colin and Galen, fled to Scotland, were graciously received by Alexander the Third, and the next year fought at the battle of Largs. After the battle Walter Stewart was sent with forces to reduce the Isles, and builds a fort in Kintail, called the Danting Isle, in which Colin Fitzgerald is placed with a garrison. He then marries the daughter of Kenneth *MacMahon* or Matheson, with whom he gets one-half

[23] *Chartulary of Melrose*, vol. i. p. 172.

[24] The first account has been printed by Mr. W. Fraser in his *Earls of Cromartie*, vol. ii. p. 462. The second account was printed some years ago.

of Kintail, the other half belonging to the earl of Ross, and has a son Kenneth, from whom his descendants were called *M'Channiches*, taking their patronymic from the M'Mahon rather than from Colin, whom they esteemed a stranger. In support of this story two documents are quoted. First, a fragment of the records of Icolmkill, which he says were preserved by him, and mention the principal actors in the battle of Largs, among whom is 'a stranger and Irishman of the family of the Geraldines, who, driven from Ireland, was in the following year graciously received by the king, remained at his court, and valiantly fought in the foresaid battle, and afterwards fought against the Islesmen, and was left among them in garrison.'[25] The other is a charter by King Alexander, granting, for faithful service rendered by Colin the Irishman (*per Colinum Hybernum*) to the said Colin the whole lands of Kintail as a barony. This charter bears to be granted in the sixteenth year of his reign, before the following witnesses—Archibald, bishop of Moray; Walter Stewart; Henry de Balioth, chamberlain; Arnold de Campan; and Thomas Hostiarius, sheriff of Inverness.[26] The same mistake is here committed, as is usual in manufacturing these pedigree charters, by making it a crown charter erecting the lands into a barony. Kintail could not have been a barony at

[25] Peregrinus et Hybernus nobilis ex familia Geraldinorum, qui proximo anno ab Hybernia pulsus apud Regem benigne acceptus, huiusque in curia permansit, et in præfato prælio strenue pugnavit. De quo supra in prælio ad Largos, qui postea se fortiter contra Insulanos gessit, et ibi inter eos in præsidium relictus.

[26] Alexander Dei gracia rex Scottorum omnibus probis hominibus tocius terre sue clericis et laicis salutem. Sciant presentis et futuri me pro fideli servicio michi navato per Colinum Hybernum, tam in bello quam in pace, ideo dedisse et hac presenti carta mea concessisse dicto Colino et ejus successoribus, totas terras de Kintaile; Tenendas de nobis et successoribus nostris in liberam baroniam cum guardia: Reddendo servicium forinsecum et fidelitatem. Testibus Andrea episcopo Moraviensi, Waltero Stewart, Henrico de Balioth, camerario, Arnoldo de Campania, Thoma Hostiario, vicecomite de Invernes. Apud Kincardine, ix. die Januarii anno regni domini regis xvi.

that time, and the earl of Ross and not the king was superior, for in 1342 the earl of Ross grants the ten davachs of the lands of Kintail to Reginald, son of Roderick of the Isles;[27] and we find that the Mackenzies held their lands of the earl of Ross, and afterwards of the duke of Ross till 1508,[28] when they were all erected into a barony by King James the Fourth, who gave them a crown charter. An examination of the witnesses, too, usually detects these spurious charters, and in this case it is conclusive against the charter. Andrew was bishop of Moray from 1223 to 1242, and there was no bishop of that name in the reign of Alexander the Third. Henry de Baliol was chamberlain in the reign of Alexander the Second, and not of Alexander the Third. Thomas Hostiarius belongs to the same reign, and had been succeeded by his son Alan long before the date of this charter. The names of the witnesses seem to have been taken from some charter of Alexander the Second, which may have been granted in the sixteenth year of his reign. It may be said that this was a genuine charter of Alexander the Second, and that Colin Fitzgerald may have come over in his reign; but then what becomes of the fragment of the Chronicle of Icolmkill, which clearly connects him with the battle of Largs? The two must stand or fall together, and the evidence of the construction of a false legend is too palpable to be disputed.[29] The earl of Cromarty refers to tradition; but if not the actual inventor of the story, it must have taken

[27] Robertson's *Index*, p. 100.

[28] Two other charters, said to be granted by David II. in 1360 and Robert III. in 1380, are equally suspicious.

[29] Notwithstanding of this, it has found a defender in Mr. W. Fraser, who, in his *Earls of Cromartie*, not only maintains the genuineness of both documents, but declares the Irish MS. of 1467, containing the earlier genealogy, to be 'quite fabulous.' As Mr. Fraser never saw the MS. in question, and probably does not include among his requirements a knowledge of Irish MSS., his opinion is not entitled to much weight. The MS. does not, however, stand alone.

its rise not very long before, for no trace of it is to be found in the Irish MSS., the history of the Geraldine family knows nothing of it,[30] and MacVureach, who must have been acquainted with the popular history of the western clans, was equally unacquainted with it. We have seen that in the second edition of the story the earl gives Colin a brother Galen, and he is claimed by the Macleans as their ancestor, who likewise superseded their older traditionary history by a Fitzgerald origin; but we can trace how this arose, and it will illustrate how these later forms of the clan origins were constructed. In the Irish MSS. the Mackenzies and Macleans have quite a different origin assigned to them, and there is no apparent connection between them. The Mackenzies are brought from a certain Gilleon Og, son of Gilleon na hairde, but in the genealogies of the Macleans there occurs at a later period a Gilleon, whose pedigree is quite different. In a later form of the genealogy, however, preserved by MacVureach, the two Gilleons have been identified, and a new genealogy manufactured from those of the two clans. The pedigrees of the Mackenzies and Mathesons are combined till they reach Gilleon na hairde, and they then merge into that of the Macleans. The Mackenzies and Macleans are thus brought from two brothers, and when the Mackenzies adopted the Fitzgerald origin the Macleans naturally followed suit.

The earl, not content with putting forward this spurious pedigree of his own clan, showed his talent for constructing new pedigrees in the case of the Macleods, whom he took under his protection in consequence of the acquisition by the Mackenzies of the island of Lewis, the patrimony of one of the two great branches of that powerful clan. Their pedigree, as shown in the Irish MSS., had already been tampered

[30] In 1638 a history of the two Geraldine families—viz., the Earls of Desmond and Kildare—was compiled by a Dr. Russell, which may have attracted the Earl to this family, but there is no trace in it of Colin Fitzgerald.

with, for in a MS. history of the Rosses of Balnagown, written prior to the Cromarty MS., it is stated that three sons of the king of Denmark, called *Gwine, Loid,* and *Leandres,* came out of Denmark and landed in the north of Scotland. '*Gwine* conquest the Hieland brayes of Cathness; *Loid* conquest the Lewis, of whom M'Loid is descended; *Leandres* conquest Braychat be the sworde.' By the *Gwine* here mentioned the ancestor of the Clan Gunn seems to be meant, and *Leandres* is obviously the Gilleandres from whom the Clan Andres, or old Rosses, took their name. This derivation of the Macleods did not satisfy the ingenious earl, and after narrating the history of the Norwegian kings of Mann and the Isles, taken entirely from the Chronicle of Mann, he adds that Harald, the son of Godred Don, who usurped the kingdom in 1249, and was arrested by the king of Norway when attending his court and detained there, was succeeded by Leodus, his only son, who married Adama, daughter to Ferquhar, earl of Ross, and by her had Torkell and Tormoth, who founded the families of Lewis and Harris.[31] Of this there is, however, not one word in the Chronicle, which knows nothing of Harald after his imprisonment in Norway. This is the first appearance of the supposed descent of the Macleods from the Norwegian kings of Mann, of which the ingenious earl was no doubt the author, if he was not also the inventor of the Fitzgerald story; but it is again improved upon by the account furnished to Douglas for his Baronage, where Harald is given up, and Olave the Black, king of Mann, who died in 1237, and whose second wife was Christina, daughter of Ferquhard, earl of Ross, is substituted, and said to have had by her three sons —'*Leod,* the undoubted progenitor of the Clan Macleod; *Guin,* of whom the Clan Gunn in Sutherland are descended; and *Leandres,* of whom the Clan Leandres in Ross-shire;' but the Chronicle which mentions his marriage knows

[31] *Earls of Cromartie,* vol. ii. p. 509.

nothing of these sons, and this filiation must be regarded as equally spurious with the other.[32] It is probable, however, that we have a fragment of the true pedigree of the Macleods in one of the Irish MSS., which places Leod in the thirteenth century, and makes him son of *Gillemuire*, son of *Raice*, son of *Olbair Snoice*, son of *Gillemuire*, whose mother is said to have been *Ealga* of the Fair Locks, daughter of Harold, king of *Lochlan* or Norway.[33] They were Celtic in the male line, Norwegian in the female.

The supposed descent of the MacIntoshes from the MacDuffs, earls of Fife, was, no doubt, based on the interpretation of the name, which means literally 'the son of the thane;' but this theory of their descent could only have arisen after the legend of Macduff, thane of Fife, assumed a prominent place in the fabulous history of Scotland. He was the thane *par excellence*, and the MacIntoshes were naturally connected with him as such; but, as there were in reality no thanes of Fife, and the old earls never bore that title, this descent cannot be supported, and must fall along with the supposed marriage with the heiress of Clan Chat-

[32] Douglas's *Baronage*, p. 375. *Chronicle of Man*, ed. Munch, pp. 19, 25. An inscription upon an Irish meather or wooden drinking-cup preserved at Dunvegan has been supposed to indicate this descent from the kings of Mann. The inscription, says Sir Walter Scott, in the notes to the *Lord of the Isles*, p. 312, may run thus at length:—'Ufo Johannis Mich Magni principis de Hr Manæ Vich Liahia Magryneil et sperat Domino Ihesu dari clementiam illorum opera. Fecit Anno Domini 993, Ouili Oim;' which may run in English, 'Ufo, the son of John the son of Magnus, Prince of Man, the grandson of Liahia Macgryneil, trusts in the Lord Jesus that their works will obtain mercy. Oneil Oimi made this in the year of God nine hundred and ninety-three.'

The true reading is as follows:—'Katharina Nigryneill uxor Johannis Meguigir principis de Fermanac me fieri fecit Anno Domini 1493. Oculi omnium in te sperant Domine et tu das escam illorum in tempore opportuno.' That is, 'Katharine MacRannal, wife of John Macguire, Lord of Fermanagh, caused me to be made in the year of our Lord 1493. The eyes of all hope in Thee, O Lord, and Thou givest them food in due season.'

[33] See Genealogy of M'Leans in Appendix, No. VIII.

tan, and the charter said to have been granted in 1338 by David II., which is no doubt a spurious pedigree charter, and commits the usual blunder of making it a crown charter, while the superiority of Lochaber was in the Lords of the Isles. In the MS. histories of the MacIntoshes, the whole race, including the old MacIntoshes, is brought from the thane of Fife, but there is another form of it which attaches the legend to the later family, the descendant of Malcolm MacIntosh, who, by the influence of the Lords of the Isles, after the secession of the old Clan Chattan in 1429, acquired the position of Captain of the Clan; for we are told in the Knock MS. that Angus of the Isles had, by the daughter of John Gruamach Mackay, 'the mother of the first Laird of MacIntosh, for a son of MacDuff, thane of Fife, coming after manslaughter to shelter himself in Macdonald's house, got her daughter with child, went to Ireland with Edward Bruce, where he was killed; by which means MacIntosh is of natural (illegitimate) descent, his progenitor being got in that manner. MacIntosh in the ancient language signifies a Thane's son. The boy was brought up by Macdonald, who in process of time procured a competent estate for him in the Braes of Lochaber and Braes of Murray.'[34] This was *Callum beg* or Malcolm MacIntosh, whose son Duncan was the first Captain of Clan Chattan. The name MacIntosh, however, clearly implies that they were the descendants of a thane. In the family histories the MacIntoshes of Monzievaird in Stratherne and of Tiryny in Athole are made cadets of the MacIntosh, but we know that they were in reality derived from the thanes of Struan and of Glentilt respectively, and we must likewise look elsewhere for the thane from whom the old MacIntoshes of Badenoch descended. Now we find that in 1170 King William the Lion grants the lands of Brass, now Birse, in Deeside, to the bishops of Aberdeen, 'his thaynes being how-

[34] *Collectanea de Rebus Albanicis*, p. 291.

ever excepted,' that is, retaining their lands as thanes. In 1226 King Alexander the Second grants to the bishop of Moray the lands of Rathmorcus or Rothymurchus to be held in free forest; and in 1241 to the bishop of Aberdeen the right to hold his lands of Brass or Birse in free forest.[35] These grants in free forest would exclude the thanes of their lands, but we find in 1382 a precept by King Robert the Second directed to his son Alexander Stewart, Lord of Badenoch, requiring him to restrain Farchard MacToschy and his adherents from disturbing the bishop of Aberdeen and his tenants in the lands of Brass, and to oblige him to prosecute his claim by form of law.[36] This Farchard appears in the genealogy of the old MacIntoshes at the time, and the Lord of Badenoch must have been regarded as his overlord. The tradition of the MacIntoshes is that Rothiemurchus was their earliest possession, and when Alexander MacIntosh obtains a feudal right to the lands in 1464 he is termed thane of Rothymurchus.[37] It seems probable that the name was derived from the thanes of Brass, who may also have been thanes of Rothiemurchus, and from whom the old MacIntoshes were descended. In their genealogy the name of *Gillemichael*, or the servant of St. Michael, appears in place of the spurious Angus, the supposititious husband of Eva, and St. Michael was the patron saint of the parish of Birse.[38] As possessors of Rothiemurchus they are brought into immediate contact with that branch of the old Clan Chattan whose principal seat was Dalnavert, and no doubt were, as indicated in the older genealogies, a branch of that clan. The representatives of these older MacIntoshes were, beyond doubt, the Shaws of Rothiemurchus and the Farquharsons of Strathdee, who

[35] *Chart. of Aberdeen*, vol. i. pp. 12, 15; *Chart. of Moray*, p. 21.

[36] *Chart. of Aberdeen*, vol. i. p. 136.

[37] *Chart. of Moray*, p. 419; *Spalding Miscellany*, ii. 252.

[38] The district of Glenchatt in Birse, and the burn of Chattie, may have some connection with the name of Clanchattan.

extended from Badenoch as far as Birse, and whose head in 1464 was Alexander Keir MacIntosh.

The resemblance of the name of Campbell in its more modern form to De Campobello no doubt led to the supposed descent of the Campbells from a Norman family of that name, but in order to produce a close resemblance the Norman name has been inverted. Its real form was not De Campobello, but De Bello Campo, and in Norman French Beauchamp. The resemblance is still further lost in the older form of the name of the clan, which was Cambell. The first of the race who appears on record with that designation is Gillespic Cambell, who is mentioned in 1263 as having received a grant of the lands of Mestreth and Salewhop, that is, Menstry and Sawchop, from King Alexander the Third.[39] In one of the Irish genealogies his father Dubhgal, son of Duncan, who is termed M'Duine in the charter of David II., appears as 'Dubhgal Cambel *a quo*,' that is, from whom the clan is named, and there seems little doubt that it was a personal epithet analogous to that of Cameron, and that from him the family formerly called MacDuibhne took his later name. His son was Cailin Mor, and from him the head of the family bears the name of MacCailin Mor, commonly corrupted to MacCallum Mor.

A foreign descent has likewise been attributed to the old earls of Lennox, from whom the Clanpharlan and other Highland families were undoubtedly descended, and it has been supposed that Alwyn MacArchill, an Angle of Northumbria, was father of the first earl of Lennox. The first known earl of Lennox undoubtedly bore the name of Alwyn, who had a son Alwyn, second earl, father of Maelduin, and it is equally certain that an Alwyn MacArchill repeatedly appears as witnessing charters of David the First. This latter Alwyn first appears in the Lennox pedigree in Crawford's Peerage,

[39] *Exchequer Rolls*, vol. i. p. 24.

published in 1716, where he is identified with the first Alwyn. The next step in the process was to connect Arkill, the father of Alwyn, with a certain Archillus, son of Aykfrith, a Saxon, who had large estates in Northumbria, and fled to Scotland in 1070 to evade the vengeance of William the Conqueror, and thus a Saxon origin is assigned to the earls of Lennox. There is nothing, however, to support this theory except the resemblance of names. Alwyn MacArchill never appears bearing the title of Comes or Earl, and while he flourished during the reign of David the First, and never appears after the year 1155, the first mention of Alwyn, earl of Lennox, cannot be placed earlier than the year 1193, and between these dates we find David, earl of Huntingdon, the brother of Malcolm the Fourth and William the Lion, in possession of the earldom. There is therefore absolutely no authority for this descent, and it was certainly unknown prior to the eighteenth century.[40] On the other hand, Muredach Albanach, who was contemporary with Alwyn, earl of Lennox, gives him a Celtic father Muredach, and thus supports the old Irish pedigree, which makes him son of Muredach, son of Maeldobhen, a descent antecedently probable, as this name of Maldoven or Maeldouen occurs among

[40] In a History of the Drummonds, compiled in 1861, the first Alwyn, there called Malise, is made a son of Ferchad, Earl of Stratherne, and marries Ada, daughter of David, earl of Huntingdon.

This spurious descent of the earls of Lennox from the Northumbrian Archill was questioned by Lord Hailes, and rightly rejected by Mr. Robertson in his *Scotland under her Early Kings*, and by Mr. Cosmo Innes, but has again been revived by Mr. W. Fraser in his book of *The Lennox*, who is unable to produce any further authority for it than that it must have been received from the Laird of Macfarlane, because it appears in Douglas's *Peerage*, to which that distinguished antiquary contributed some of the materials, and that the old earls of Lennox are called by the Gaelic bards 'Siol Arkyll,' that is, descendants of Arkill, but in both instances he is mistaken, for Douglas took his statement from Crawford, and it is not true that the old earls were ever called by the Gaelic bards 'Siol Arkyll,' and Mr. Fraser gives no authority for the statement.

the later earls, while the Annals of Ulster record that in 1216 'Trad O'Mailfabhail, chief of Cinel Fergusa, with his brothers and many others, was slain by Muireadhach, son of the *Mormaer* of Lennox,' and the Celtic title of *Mormaer* could hardly be borne by a Saxon earl. This Maeldouen, the grandfather of Alwyn, first earl, and the true ancestor of the race, must have lived in the early part of the twelfth century, and is thus contemporary with Meldoinneth, the son of Machedach, the 'judex bonus and discretus,' who, with Constantine earl of Fife, and Dufgal son of Mocche, *qui fuit senex,* joined in perambulating the lands of Kyrknesse; and as the latter appears in the old Irish genealogy of the Macleans as the grandfather of a lay abbot of Lismore and the ancestor of a Celtic clan, so in Meldoinneth, son of Machedach, we may possibly recognise the Maldobhnaigh, the grandfather of Alwyn, and the ancestor of the Gaelic Lords of the Lennox.

The group of clans which sprang from the Lords of the Isles had their origin within the historic period, and their pedigree is too well authenticated to render a spurious version of it possible; while as the lands they held of the Lords of the Isles were in the main confirmed after the forfeiture of the last lord by the Crown, they were left without any great motive to do so; but two other clans, who were in reality not connected with them, seem to have thought it for their interest to claim likewise a descent from the Lords of the Isles, and both were connected with the earldom of Athole. These were the *Clan Donnachie* or Robertsons of Strowan, and the MacNabs of Glendochart. The former clan simply exchanged Andrew de Atholia, the undoubted father of Duncan de Atholia, the *eponymus* of the clan, for Angus of the Isles, but as Duncan is repeatedly designated in charters and other documents the son of Andrew de Atholia, the supposed connection with the Lords of the Isles is untenable. The Mac-

Nabs are stated by Buchanan of Auchmar to be descended of a son of the first abbot of Inchaffray, whose surname was M'Donald, in the beginning of the reign of Alexander the Second. Inchaffray, however, was founded in the reign of William the Lion, and the first abbot was Malis, a pastor and hermit, and the second was Innocent, who had been prior, and neither could have been connected with the Macdonalds. The name MacNab certainly means the son of the abbot, but we must look elsewhere for the monastery of which he must have been the lay abbot. In the seventh century St. Fillan founded a monastery in Glendochart, the upper part of which took its name of Strathfillan from him, and in the reign of King William we find the abbot of Glendochart ranking along with the earls of Atholl and of Menteath.[41] As the property possessed by the MacNabs lay in Glendochart, and we find the name of *Gillafaelan*, or servant of St. Fillan, occurring in their oldest genealogy, we may certainly recognise in them the descendants of the lay abbots of Glendochart. To the same class we may probably add the Clan Gregor. Besides the genealogy of this clan contained in the Irish MSS., Dean Macgregor furnishes us with one which may probably be viewed as the native tradition. In it Gregor, the *eponymus* of the clan, has a different ancestry, and his pedigree is taken up to a certain *Aoidh Urchaidh*, or Hugh of Glenurchay, which, as Glenurchay was an old possession of the MacGregors, may be viewed as the native tradition and more probable descent. The usual calculation would place him in the end of the twelfth century, but the Dean connects him at once with Kenneth MacAlpin in the ninth century,[42] and thus the supposed royal descent of the

[41] Item si calumpniatus vocaverit warentum aliquem in Ergadia que pertinet ad Scociam tunc veniat at Comitem Atholie vel ad Abbatem de Glendochard et ipsi mittent cum eo homines suos qui testentur super dictam attestam.—*Acts of Parliament*, vol. i. p. 372.

[42] The Dean makes Gregor son of John son of Malcolm son of Duncan

MacGregors must be relegated to the same category with the descent of the other clans from the kings of Dalriada. The son of this Aodh bore, however, the name of *Gillafaelan*, or servant of St. Fillan, and as the MacGregors likewise possessed property in Glendochart, they were more probably connected with the MacNabs. The MacKinnons too were closely connected with the abbacy of Iona, and repeatedly furnished abbots to that monastery. The traditional connection between these three clans—the MacNabs, the MacGregors, and the MacKinnons—is further evidenced by two bonds of friendship—one in 1606 between the MacKinnons and the MacNabs, in which, as being come of one house and being of one surname, Finlay MacNab of Bowane acknowledges Lauchlan MacKinnon of Strathardel 'as ane kynd chieff and of ane house;' the other somewhat later between Lachlan MacKinnon of Strathardill and James MacGregor of MacGregor, in which they are said to be 'descended lawfully frae twa brethren of auld descent.'[43] The Clan Lawren we have seen were also descended from an abbot. The Clan *Mhic Duibhside* or Macduffys may have derived their name from *Duibhside* who appears in the Annals of Ulster in 1164 as *Ferleighinn* or lector of Iona, and Diarmada, the grandfather of Gillachattan, the *eponymus* of the Clan Chattan, is said in the old Irish genealogy to have been called the *Ferleighinn* or lector. Tradition attaches to Gillachattan the epithet of *Clerech* or Cleric, and he and his descendants the Clan Vuireach are said to have been hereditary lay parsons of Kingussie, one of whom, Duncan the son of Kenneth, appears in 1438 as Duncan parson. From him the chief of the Clan Vuireach takes his name of Macpherson. The earls of Ross too descend from the lay priests of Applecross.

Beg son of Duncan a Sruthlee (that is, of Stirling) son of Gillafaelan son of Aodh Urchaidh son of Kenneth son of Alpin.—*Dean of Lismore's Book*, p. 161; and Gaelic portion, p. 127. See also poems, p. 141.

[43] Douglas's *Baronage*, pp. 497, 498.

Result of analysis of pedigrees.

The conclusion, then, to which this analysis of the clan pedigrees which have been popularly accepted at different times has brought us, is, that so far as they profess to show the origin of the different clans, they are entirely artificial and untrustworthy, but that the older genealogies may be accepted as showing the descent of the clan from its eponymus or founder, and within reasonable limits for some generations beyond him, while the later spurious pedigrees must be rejected altogether. It may seem surprising that such spurious pedigrees and fabulous origins should be so readily credited by the Clan families as genuine traditions, and receive such prompt acceptance as the true fount from which they sprung; but we must recollect that the fabulous history of Hector Boece was as rapidly and universally adopted as the genuine annals of the national history, and became rooted in those parts of the country to which its fictitious events related as local traditions. When Hector Boece invested the obscure usurper Grig with the name and attributes of a fictitious king, Gregory the Great, and connected him with the royal line of kings, the Clan Gregor at once recognised him as their eponymus ancestor, and their descent from him is now implicitly believed in by all the MacGregors. It is possible, however, from these genealogies, and from other indications, to distribute the clans in certain groups, as having apparently a closer connection with each other, and these groups we hold in the main to represent the great tribes into which the Gaelic population was divided before they became broken up into clans. The two great tribes which possessed the greater part of the Highlands were the *Gall-gaidheal* or Gael in the west, who had been under the power of the Norwegians, and the great tribe of the Moravians, or Men of Moray, in the Central and Eastern Highlands. To the former belong all the clans descended of the Lords of the Isles, the Campbells and Macleods probably re-

presenting the older inhabitants of their respective districts; to the latter belong in the main the clans brought in the old Irish genealogies from the kings of Dalriada of the tribe of Lorn, among whom the old *Mormaers* of Moray appear. The group containing the Clan Andres or old Rosses, the Mackenzies and Mathesons, belong to the tribe of Ross, the Clan Donnachy to Athole, the Clan Lawren to Stratherne, and the Clan Pharlane to Lennox, while the group containing the MacNabs, Clan Gregor, and MacKinnons, appear to have emerged from Glendochart, at least to be connected with the old Columban monasteries.[44] The Clans, properly so called, were thus of native origin; the surnames partly of native and partly of foreign descent.

Termination of Clanship in the Highlands.

It is not much more than a century and a half since the Highland clans combined, in the eighteenth century, to alter the dynasty of Great Britain, and shook the stability of the throne, and since the President of the Supreme Court laid before Government a memorial giving a detailed statement of their names, their military strength, and the names of their chiefs; and not much more than a hundred years later, the same Court has been called upon to answer the question, What is a clan? and to determine whether the word has any legal significance whatever in the social organisation of the Highlands. In 1632, James, earl of Moray, let the lands of Faillie and others to Donald MacGillephadrich, head of the sept of Clan Bean, one of the sixteen tribes which made up the Clan Chattan, for his lifetime and the lifetime of the two next heirs-male, and for three periods of nineteen years to his heirs-male and assignees of the Clan Chattan, and this tack was confirmed to his son Donald MacBean. In 1771 the earl of Moray grants a feu-right of these lands to Donald Mac-

[44] In the main the author has seen little reason to alter the distribution of the clans in an earlier work, *The Highlanders of Scotland*, published in 1837, to which the reader is referred for their detailed history.

Bean, and his heirs-male and assignees whatsoever of the said Clan of Clan Chattan, and in the same year Donald MacBean sells the lands to Captain William Macgillivray, the head of another of the sixteen clans, and to his heirs and assignees of the Clan Chattan. His son, the last of the direct line of the Macgillivrays of Dunmaglass, died in 1852, and the question arose whether his heirs-at-law, who were not of the clan, could succeed. In order to determine this question, the collateral heir-male, John Macgillivray of Dunmaglass, raised an action in the Supreme Court to have it declared that no person was entitled to succeed to the late John Lachlan Macillivray of Dunmaglass, who was not a member of the Clan Chattan, but the Court held that clanship of Clan Chattan, as a condition of heirship and a limitation of the succession of heirs, could not be recognised or enforced by law. The Court thus defined the modern position of a clan:—

'The lapse of time and the progress of civilisation, with the attendant influences of settled government, regular authority, and the supremacy of law, have entirely obliterated the peculiar features, and destroyed the essential qualities and character of Scottish clanship; but whether they are viewed as they once were, or as they now are, a Court of law is equally precluded from recognising clans as existing institutions or societies with legal status, the membership of which can be inquired into or acknowledged for ascertaining the character of heirs called to succession.

'The inquiry which the pursuer's averments would here demand must be attended with extreme practical difficulty; but the recognition of a clan as an institution or society known to law, so that membership thereof shall be a quality of heirship and a condition of succession, is open to serious objection in point of principle.

'In an earlier age, when feudal authority and irresponsible power were stronger than the law, and formidable to the Crown, clans and chiefs, with military character, feudal subordination, and internal arbitrary dominion, were allowed to sustain a tolerated, but not a legally recognised or sanctioned existence.

'In more recent times clans are indeed mentioned, or recognised as existing, in several Acts of Parliament. But it is thought that they are not mentioned or recognised as institutions or societies having legal status, legal rights, or legal vocation or functions, but rather as associations of a lawless, arbitrary, turbulent, and dangerous character.

'But nothing now remains either of the feudal power and independent dominion which procured sufferance in one age, or of the lawless and dangerous turbulence which required suppression in another. When all military character, all feudal subordination, all heritable jurisdiction, all independent authority of chiefs, are extracted from what used to be called a clan, nothing remains of its essential and peculiar features. Clans are no longer what they were. The purposes for which they once existed, as tolerated but not as sanctioned societies, are not now lawful. To all practical purposes they cannot legally act, and they do not legally exist. The law knows them not. For peaceful pageantry, social enjoyment, and family traditions, mention may still be made of clans and chiefs of clans; but the Highlands of Scotland, no longer oppressed by arbitrary sway, or distracted by feudal contentions, are now inhabited by loyal, orderly, and peaceful subjects of the Crown of Great Britain; and clans are not now corporations which law sustains, nor societies which law recognises or acknowledges.'

Such being the view of the Supreme Court of the country as to the modern position of the clan, it remains for us to inquire how far any of the features of the ancient tribal land tenure are still preserved in the Highlands and Islands of Scotland.

CHAPTER X.

LAND TENURE IN THE HIGHLANDS AND ISLANDS SUBSEQUENT TO THE SIXTEENTH CENTURY.

Changes in tenure of land.

IF the position of the clans was, as we have seen, greatly affected by the statutes passed towards the end of the sixteenth century, the following century witnessed the commencement of a process of change which no less affected the position of the members of the clan as regarded their tenure of the land, which was influenced partly by positive enactments of the Legislature, partly by the increased efficacy of the law of the land, which ignored all Celtic usages inconsistent with its principles, and regarded all persons possessing a feudal title as absolute proprietors of the land, and all occupants of the land who could not show a right derived from the proprietor as simply yearly tenants, and partly by changes which took place in the profitable employment of the land.

Abolition of Calps.

The first relation which was assailed was that of the position of the native-men and subordinate septs to the chief, and in 1617 a statute was passed which proceeded on the narrative, that 'his Majestie's lieges have sustained great hurt and skayth these many years bygone by the chiefs of clans within the Highlands and Isles of this kingdom, by the unlawful taking from them their children and executors after their decease under the name of Caulpes of their best aucht whether it be on mare, horse, or cow, alleging their predecessors to have been in possession thereof for maintaining

and defending of them against their enemies and evil willars of old and ordained that in no time coming none of his Highness's lieges presume nor take on hand to intromit with nor uplift the said Caulpis within any part of this kingdom.'[1] In the same Parliament a statute was passed for the protection of the 'forests within the realm in which deer are kept, and which are altogether wasted and decayed by sheallings, pasturing of horses, mares, cattle, oxen, and other bestial cutting of woods within the bounds of the said forests shooting and slaying of deer and wild fowls with hagbuttis and with dogs in forbidden time.'[2]

Size of townships.

The land occupied by the members of the clan was divided into townships or farms, each township consisting of a certain portion of arable land, meadow, green pasture, and muirland. They were of various sizes, and occupied the lower part of the country, extending in the straths or valleys from the stream, and from the shore of the sea, and the arms of the sea or lochs, to the ridge of the hill behind. A stone fence, called the head-dyke, or an imaginary line answering to it ran along the brae or slope, and separated the arable, meadow-ground, and pasture of the milch cows from the muirland or hill pasture, where the horses, yeld-cattle, and sheep of the farm ranged. The arable land of the township which lay within the head-dyke was usually divided into infield and outfield. In the former the steading, or town as it was called, was situated, and it was kept in tillage, on which all the manure was laid. The outfield consisted of such plots at the bottom of the valleys as were level enough and free of wood or stones to be ploughed, and were kept in corn and lea alternately, the cattle being folded upon them for manure called tathing. The meadows were patches among the fields, too wet, woody, or stony, to be ploughed, and kept under scythe and sickle for a scanty supply of hay; while the faces

[1] *Acts of Parliament*, vol. iv. p. 548.

[2] *Ib.* p. 547.

of the braes, roots of the hills, woody or stony wastes at the bottom, with a small plot near the house, termed the door-land, for baiting horses, were kept as pasture for cattle in summer and sheep in winter; while the sheep and horses were pastured during summer on the muirland or hill pasture, which lay immediately above the head-dyke, and contiguous to the green pasture-grounds.

Occupation of townships.

These farms or townships were occupied in three different ways. They were either possessed by the tacksmen or goodmen themselves, in which case they kept on them a number of cottars, to each of whom they gave a house, grass for a cow or two, and as much ground as would sow about a boll of oats; or they were possessed by sub-tenants, to whom the tacksmen sub-let the whole or a part of the farm, or else they were held direct from the proprietor in joint tenancy by a number of tenants. These tenants and sub-tenants formed a sort of village community, having their houses together, holding the arable land in runrig, which was divided annually by lot among them, and the pasture land in common, each tenant being entitled to pasture a certain number of cattle, sheep, and horses, in proportion to his share of the arable land, which was termed his souming and rouming. In most cases the land was held on what was called a steelbow tenure, when the stock on the farm was the property of the landlord or tacksman, and was let along with the land, and at the end of the lease the tenant or sub-tenant had to return an equal amount of stock or pay the difference. In the Western Isles there was also a kind of tenancy called half-foot, where the possessor of the farm furnished the land and seed-corn, and the other party cultivated the land, the produce being divided.

Average size of township in Central Highlands.

In the central Highlands the average township consisted of about 90 acres within the head-dyke, of which 20 acres were infield, 15 acres outfield, 10 acres meadow, 35 acres green pasture, and 10 acres woody waste; and the muirland

beyond the head-dyke 250 acres. The smaller township contained within the head-dyke 5 acres infield, 4 acres outfield, $2\frac{1}{2}$ acres meadow, 20 acres green pasture, $2\frac{1}{2}$ acres waste, and beyond the head-dyke 75 acres of muirland or hill pasture.

Township in the Islands.

In the Islands the township usually consisted of what was called a penny land, but occasionally of the halfpenny land, termed Leffen (*Lethphein*). These penny lands, however, were of different sizes. Thus of three penny lands on the south side of Loch Scriden, in the island of Mull, one consisted of 64 acres of infield arable land, 16 of outfield arable, 19 of green pasture, and 497 of hill pasture; another contained 106 acres of infield arable land, 44 acres of outfield arable, 19 acres of green pasture, and 704 of hill pasture and the third consisted of 68 acres of infield arable land, 27 of outfield arable, 29 of green pasture, and 872 of hill pasture. This latter township was occupied by eight tenants, each pasturing twelve cows, with their followers.[3]

Highland deer-forests.

The great mountain ranges and the groups of larger hills either formed deer-forests or lay waste, and within their bounds were shealings or summer pasture attached to farms, when the contiguous muir was not sufficient for hill stock in summer, and here the cows were brought in summer and kept for six or seven weeks.[4] The peat-mosses furnished the tenants of the farms with their fuel.

The principal deer-forests were to be found in the two great mountain ranges of the Mounth, which extended across the island from the eastern to the western sea, and Drumalban, or the backbone of Scotland, which divided the eastern from the western waters. These forests existed from time immemorial. Thus we find that in 1630 the earldom of Atholl was granted by Charles I. to John, earl of Atholl,

[3] This account is taken mainly from Marshall's *Agriculture of the Central Highlands*, and from private information.

[4] This is very similar to the custom in the Bavarian and Austrian Alps, where the summer pasture is termed an Alp and the bothies *Sennerhütte*.

with the free forest of Bynzecromby, and all the other free forests of the earldom, the office of forester, and the privileges of the same; and in the Acts of Parliament a statute regarding a forest in the latter range in 1662, when Parliament ratifies a charter granted by King James the Sixth in 1617, constituting the Campbells of Glenurchay heritable foresters and keepers of the forests and woods of Mamlorne, Berinakansauche *alias* Bendaskerlie, Finglenbeg and Finglenmor; and in order to protect the forest more effectually they have power to escheat or forfeit all horses, mares, kyne, sheep, goats, swine, and other cattle and bestials that shall be found in any time coming feeding within the said woods and forests, or any part of the bounds thereof.[5]

In the year 1695 a statute was passed to abolish the system of holding land in runrig,[6] but it was so expressed as to apply only to cases of joint proprietary of the runrig lands, and not to that of a joint tenancy, as was the case in these Highland townships.

Causes affecting the population in the eighteenth century.

In the following century the social position of the Gaelic population in the Highlands and Islands became affected by several causes. These were in the main the introduction of sheep-farming and emigration of the people from various districts; the increased manufacture of kelp; the extension of the culture of the potato, and the system of crofting. When the cessation of these causes, which had kept the Highlands distinct from the rest of the country, brought all classes into contact with a different and more advanced state of society, and the old feudal relations of superior and dependant gradually passed into those of proprietor and tenant, the natural consequence was, from the conversion of services and the different estimate of the relative value of land and people, that the rents were everywhere raised; and this gave rise to the extensive emigration of those who were unwilling

[5] *Acts of Parliament*, vol. vii. p. 438. [6] *Ib.* vol. ix. p. 421.

to submit to or could not find a place in the new system. Then followed the more profitable occupation of the hill pasture under sheep stock, and the introduction of sheep-farming. The farms held by the tacksmen were very generally converted into sheep-farms, and new ones were created, as opportunity offered, by throwing the townships occupied by the joint tenants into larger farms, and adding extensive ranges of hill pasture to them. So far as the latter was concerned, the placing under sheep of extensive ranges of hill country which had previously either lain waste or been occupied as deer-forests, had no effect upon the population; but it became necessary to remove the small tenants, in order to convert their holdings into wintering for the sheep, and this led to a large portion of the population being dispossessed.[7] The emigration of the people which had been created by these causes was checked by the American war, but recommenced to even a greater extent after the peace, and continued till the passing of the Emigration Act in 1803. As this emigration had generally consisted of entire families, and many of the tacksmen were accompanied by their dependants, and thus, as the large farms were introduced on the one hand, the dispossessed population emigrated on the other, there was nothing in the change of policy, whether it was desirable in itself or not, which was not in accordance with the principles of social economy, so far as population is concerned. It is estimated that of those who were dispossessed from the sheep-farming, two-thirds emigrated in the beginning of the present century. Various circumstances led, however, to a check being then given to emigration, one principal cause of which was the new source of wealth to the proprietors, and of employment to the population of those

[7] The old servile condition of the small tenants, by which they were attached to the soil, and could not be severed from it, which is usually regarded as an oppressive custom, would probably have been valued at this time as a privilege.

districts bordered by the sea and of the Islands, which arose from the increased manufacture of kelp. This manufacture was first introduced so far back as the year 1734, but did not rise into notice till the American war, when kelp reached the remunerating price of £8 per ton. After the termination of that war the price fell, owing to competition in barilla and potash, and kelp was manufactured to but a limited extent till the present century, when it again rose into importance, and had reached in 1806 an average price of £16 per ton, and in 1808, 1809, and 1810 the enormous price of £22 per ton. The increased profits arising from this manufacture caused a great demand for labour, and created a powerful interest in all classes engaged in it to encourage population. At the same time, as it only afforded employment during two months in summer, and, from its being a great object to bring a large quantity as quickly as possible to market, demanded a large amount of labour at one season of the year only, an additional resource was found in the potato, introduced in 1743, but cultivated to a limited extent till this period, when its culture extended as rapidly as the manufacture of kelp had increased, until it became the principal means of subsistence of a large portion of the population.

Townships in the Inner Hebrides in 1850.

The increase of the population, and the extension of the culture of the potato which accompanied it, may be illustrated from the statistics of one parish in Skye. The population of this parish in 1801 was 2555. In 1841 it had increased to 3625. In 1801 the produce of the parish consisted of 1600 bolls of oats and bere, and of 5000 barrels of potatoes. In 1841, 1618 bolls of grain and 32,000 barrels of potatoes. Thus, while the population showed an increase of 1070, the produce of the cereal crops had undergone little change during the forty years preceding 1841; but the cultivation of the potato had increased sixfold, and conse-

quently furnished the sole additional production to meet the requirements of the additional population.

The crofting system was first introduced by the arable portion of the small farms or townships previously held in common and cultivated in runrig, being permanently divided among the joint-tenants in separate crofts, the pasture remaining in common. This, though an improvement with reference to the cultivation of the farm, was unfortunately not accompanied by any practical guarantee against subdividing, by the security of leases, or by the encouragement and attention which the crofters required. The previous system, where the arable land was held in joint-tenancy, though necessarily implying a low state of agriculture, yet afforded some guarantees in the joint-interest created by it against subdivision; but when the employment afforded by the manufacture of kelp became the principal dependence of all classes, and the cultivation of the land of secondary importance, the comparative independence of the tenants on each other, which resulted from the possession of separate crofts, afforded fatal facilities for subdivision and sub-letting, which were carried to a great extent. This result was likewise increased by separate lotting on the part of the proprietors or of those in the management of their estates. The Fencible regiments had been raised, in many cases, on a promise to give lots or possessions to the recruits, and, when disbanded, these promises had to be redeemed. A system of general and indiscriminate lotting was introduced and carried on, by which separate lots were provided for the population as they pressed still more upon the land, while the employment afforded by the kelp and the increased culture of the potato provided a resource for their occupants. The tendency of all this was greatly to increase the cottar class, who were sub-tenants under the tacksmen and small tenants, their labour being usually taken in place of rent, in return for the

lots they held; but with a limited potato-culture and no extraordinary demand for labour, this class had hitherto not been very numerous. Other circumstances still further tended to add to this class of the community. The British Fishery Society had established in 1788 the fishing villages of Tobermory, Ullapool, Stein, and others, with a view of prosecuting a permanent fishing trade; and proprietors had followed their example in setting similar communities on the sea-coast as a resource for the dispossessed population. Small lots, generally about two acres, were given to the proposed fishermen, but these villages failed in the main from various causes, and formed a refuge for the dispossessed population of neighbouring properties, till they furnished examples of the poorest class of lotters or cottars. The extension of the large farms and the removal of the former occupants of the land unaccompanied by emigration—the Highland clearing in the proper sense of the term—necessarily added to the numbers of the same class, and any subsequent enforced emigration was too often of a character which not only did nothing to reduce the numbers of this class, but rather tended to aggravate the evil, as the families it removed were generally of the better class of small tenantry able to provide some part of the cost of transit, while the land they occupied was at the same time withdrawn from cultivation, and those of its occupants who did not emigrate were necessarily thrown upon the cottar population.

Such was the position of the population, when the manufacture of kelp, after proving a source of wealth and employment, ceased to be so remunerative after the repeal of the salt-duty in 1817, and was finally prostrated under the competition produced by the reduction of the duty on barilla. The people had become to a great extent dependent on the potato for a considerable portion of the year, and the employment afforded by the kelp supplied the period between the

consumption of the potato crop of one year and that of the succeeding crop. All classes appear to have forgotten that the profits of the kelp manufacture were not the legitimate produce of the land, on which they could depend as proprietors and tenants, but that they were in fact engaged in a manufacture subject to the fluctuations of trade arising from the state of the market, and might be placed in the same position as a manufacturing population during one of the periodical stagnations of trade. The sudden withdrawal of this resource left the main part of the Highland population in a similar situation, except that they had become rooted to the soil and confirmed in habits which unfitted them to meet the crisis. A considerable portion of the population disclosed the appearance of a parasite class, pressing largely upon the means of subsistence and the resources of others, and the cottars having lost the resource of the kelp became exposed to an annual destitution during the period which intervened between the consumption of the produce of each potato crop, until the partial failure of that crop in the years 1836-37, and the more extensive destruction of it in 1847 and three succeeding years, reduced a large portion of the population to a state of absolute destitution for the time, and brought their social position prominently under the notice of all classes of the community.

The statistics of the same parish in Skye will afford a fair illustration of their position during the failure of the potato crop. The parish consisted then of 4826 acres of arable land, 4339 of green pasture, and 37,305 of hill pasture. There were four large farms containing about 1200 acres of arable land, and on these farms there were twenty-five families of cottars. The remaining 3676 acres of arable land were distributed among thirty-seven townships held by 334 families of crofters; and upon these 334 families of crofters there was a parasite population of 300 families of cottars. The particu-

lars of two of these townships will show still more clearly the state of the population at this time. One, consisting of 205 acres, was held by nine tenants, whose families amounted to forty-three persons. Of these 205 acres, 42 were under cultivation, the usual produce of which was sixty-one bolls. They had twenty-four cows, sixteen sheep, and six horses, and the total rent paid by them was £84, and upon this farm their were besides ten families of cottars, giving a population of eighty-six souls on a farm paying only £84 of rent. Another township contained 161 acres, and was held by four families of croft tenants. There were only 22 acres under cultivation, yielding on an average thirty-two bolls. They had eight cows, twenty-one sheep, and four horses, and paid £55 of rent, and on this farm were seven families of cottars. In another parish in the same island, a township paying £68 of rent was held by twenty-two families of crofter tenants, while there were located in the township no fewer than twenty-five families of cottars, giving a population of 250 souls dependent on the produce of the ground for subsistence.[8]

Existing townships in the Outer Hebrides.

It might, however, be expected that the features of the older state of the occupants of the soil would be longer preserved in the Outer Hebrides where there was less intercourse with the mainland, and an account of the present state of some of the townships in the Long Island has been kindly communicated for this work by Mr. Alexander Carmichael, a gentleman who has been long resident among them, and is intimately acquainted with their condition, which will furnish an appropriate conclusion to this chapter.

'Old systems are tenacious. They linger long among a

[8] The preceding sketch has been mainly taken from the reports of the Board for the Relief of Highland Destitution in the years 1847-1850 (Third Report for 1848, p. 24; Second Report for 1850, p. 40). The author filled the office of Secretary to the Board, which necessarily brought the state of the population under his notice, and these reports were compiled by himself.

rural people, and in remote places. Of these is the land system of runrig (*Mor Earann*), which characterises more or less the land system of some of the Western Isles (Innsi-Gall). The Outer Hebrides are called the Long Island (*Eileann Fada, Innis Fada*). They are a series of islands 119 miles in length, and varying from half-a-mile to twenty miles in breadth. This kite-like chain of 40 inhabited and upwards of 150 uninhabited islands contains a population of 40,000. Much of the land is held by extensive tacksmen on leases (*Fir-Baile*), and, there being no intermediate tenantry, the rest of the land is occupied by small tenants at will without leases. These number 4500, the majority of whom fish as well as farm.

'The country is divided into townlands of various extent. The arable land (Fearann grainsich) occupied by the small tenants of these townlands is worked in three ways—as crofts wholly, as crofts and runrig combined, and as runrig wholly. In Lewis and Harris the arable land is wholly divided into crofts; in Uist and Barra the arable land is divided, in part into crofts, and in part worked in runrig; while in the townlands of Hosta, Caolas Paipil, and the island of Heisgeir in North Uist, the arable land is worked exclusively upon the runrig system of share and share alike. The grazing ground of the tenants of each townland throughout the Long Island is held in common (in Lewis called *Comhpairt*).

'The soil varies from pure sand to pure moss. Along the Atlantic there is a wide plain of sandy soil called *Machair*. This merges into a mixture of sand and moss (*Breac-thalamh*, or mottled soil), which again merges into the pure moss (*Mointeach*) towards the Minch. As the soil is dry and sandy, if the summer is dry the crop is light. On the other hand, if the summer is moist the crop is heavy and good. In order that all may have an equal chance, the *Machair* belonging to them is equally divided among the

tenants of the township. Obviously the man who is restricted to his croft has fewer advantages than the man who, together with his croft, has his share of the *Machair*, and still fewer advantages than the man who has, rig for rig with his neighbours, the run of the various soils of his townland, which gives name to the system. Consequently, a wet or a dry season affects the tenant of the croft system more than the tenant of the combined system, and the tenant of the combined system more than the tenant of the runrig system.

'The townland of Hosta is occupied by four, Caolas Paipil by six, and the island of Heisgeir by twelve tenants. Towards the end of autumn, when harvest is over, and the fruits of the year have been gathered in, the constable (*Constabal, Foirfeadeach*) calls a meeting of the tenants of the townland for Nabachd (preferably *Nabuidheachd*, neighbourliness). They meet, and having decided upon the portion of land (*Leob, Clar*) to be put under green crop next year, they divide it into shares according to the number of tenants in the place, and the number of shares in the soil they respectively possess. Thereupon they cast lots (*Crannachuradh, Cur chrann, Tilgeadh chrann, Crannadh*), and the share which falls to a tenant he retains for three years. A third of the land under cultivation is thus divided every year. Accordingly, the whole cultivated land of the townland undergoes redivision every three years. Should a man get a bad share he is allowed to choose his share in the next division. The tenants divide the land into shares of uniform size. For this purpose they use a rod several yards long, and they observe as much accuracy in measuring their land as a draper in measuring his cloth. In marking the boundary between shares, a turf (*Torc*) is dug up and turned over along the line of demarcation. The 'torc' is then cut along the middle, and half is taken by the tenant on one side and half by the tenant on the other side, in ploughing the subse-

quent furrow; similar care being afterwards exercised in cutting the corn along the furrow. The tenant's portion of the runrig is termed Cianag and his proportion of the grazing for every pound he pays Coir-sgoraidh.

'There are no fences round the fields. The crop being thus exposed to injury from the cattle grazing along the side, the people leave a protecting rig on the margin of the crop. This rig is divided transversely into shares, in order to subject all the tenants to equal risk. The rig is called indiscriminately *Iomair ionailt* browsing rig, *Iomair a chruidh* the cattle rig, and *Iomaire comachaidh* the promiscuous rig. The arrangement is named *Comachadh*, promiscuous. Occasionally and for limited bits of ground, the people till, sow, and reap in common, and divide the produce into shares (*Rainn, Ranntaichean*) and draw lots. This too is called *Comachadh*, promiscuous. The system was not uncommon in the past, though now nearly obsolete.

'In making their own land arrangements for the year, the tenants set apart a piece of ground towards the support of their poor. This ground is called *Cianag nam bochd*, the *Cianag* of the poor, and *Talamh nam bochd*, the ground of the poor. Farm produce given to the poor who go about when the crop is being secured is termed *Feigh, Faigh*, or *Faoigh*. The produce for which the suppliant travels denotes the nature of the *Faoigh* or aid, as *Faoigh cloimh* wool-aid, *Faoigh arair* corn-aid, or *Faoigh buntata* potato-aid.

'In reclaiming moorland (*Mointeach, Sliabh, Riasg*), the tenants divide the ground into narrow strips of five feet wide or thereby. These strips, called lazy-beds (*Feannagan*, from *Feann* to scarify), the tenants allot among themselves according to their shares or crofts. The people mutually encourage one another to plant as much of this ground as possible. In this manner much waste land is reclaimed and enhanced in value, and ground hitherto the

home of the stonechat, grouse, snipe, and sundew, is made to yield luxuriant crops of potatoes, corn, hay, and grass. Not unfrequently, however, these land-reclamations are wrested without acknowledgment from those who made them.

'The sheep, cattle, and horses of the townland (*Spreidh a bhaile*) graze together, the species being separate. A tenant can only keep stock conformably to his share in the soil. He is, however, at liberty to regulate the proportions of the different kinds, provided that his total stock does not exceed his total grazing rights. He may keep a larger number of one species and a corresponding smaller number of another. Or he can keep a greater number of the young and a corresponding less number of the old of the same species, or the reverse. About Whitsuntide, when the young braird appears, the people remove their sheep and cattle to the grazing ground behind the arable land (*Gearruidh, Culcinn, Sliabh,* or *Beinn*). This is called clearing the townland, and is variously termed in various districts—*Reiteach a bhaile, Glanadh a bhaile, Fuadach, Cartadh, Cusgaradh, Cursgaradh, Usgaradh,* and *Ursgaradh.* The tenants bring forward their stock (*Leibhidh*), and a souming (*Sumachadh*) is made. The *Leibhidh* is the amount of the tenant's stock, the *Sumachadh* the number he is entitled to graze in common with his neighbours. Should the tenant have a croft, he is probably able to graze some extra stock thereon, though this is demurred to by his neighbours. Each penny (*Peighinn*) of arable land has grazing rights of so many soums. Neither, however, is the extent of land in the "penny" nor the number of animals in the soum uniformly the same. The soum (*Sum, Suim*) consists of a cow with her progeny (*Bo le h-al*).[9] Conformably to the code of one district this includes only the cow and her calf, and

[9] Bo le h-al, cow and her progeny. A cow is said to be entitled to her calf for a year and a day.

according to the Gaelic distich the calf becomes a stirk at All-Hallows—

La Samhna theirear gamhna ris na laoigh,
La 'Illeain theirear aidhean riu na dheigh.

At Hallowmas the calf is called a stirk aye,
At Saint John's the stirk becomes a quey.

'In another district the soum (*Bo le h-al*) means the cow and her three immediate descendants—the calf, the one-year-old stirk, and the two-year-old quey.

'In a third district the soum or *Bo le h-al* comprehends five animals, viz., the cow, her calf, her one-year-old stirk, her two-year-old quey, and her three-year-old heifer. When the calf has attained four years of age it is ousted from the soum and classed with the cows.

'The people conform to their code in equalising their stock. Different species of animals are placed against one another, and the same species at different ages. This is called *Coilpeachadh*, equalising. The grazing equivalents of a cow are eight calves, four one-year-old stirks, two two-year-old queys, one three-year-old heifer, and one stirk, eight sheep, twelve hoggs,[10] sixteen lambs, or, sixteen geese. The grazing equivalents of the horse are eight foals, four one-year-old fillies, two two-year-old fillies, one three-year-old, and one one-year-old filly, or two cows. The horse is deemed to have arrived at grazing maturity at four years of age. Three one-year-old hoggs are considered equal in grazing to two sheep, and one two-year-old hogg is deemed equal to one sheep. The cow is entitled to her calf. Should a tenant have two cows without calves, the cows are entitled to get one one-year-old stirk or its equivalent along with them. And, should he have four cows without calves, the cows claim two one-year-old queys, or their equivalents.

[10] A name applied in the Highlands to one-year-old sheep.

'If the stock, or soum, of a tenant be complete, it is termed *Leibhidh slan* and *Sumachadh slan*, that is, whole *Leibhidh* and whole soum, and *Fiar slan*, or whole grass. The animals which go to complete the stock or soum are called *Slanuich*, *Slanuichean*, completers. Should the stock or soum be incomplete, it is *Leibhidh briste*, broken stock; *Sumachadh briste*, broken soum, or *Fiar briste*, *Bristiar*, broken grass. The odd animals beyond the complete stock or soum are *Bristich*, *Bristichean*, or *Beacha briste*, broken beasts.

'In the event of a tenant having an overstock (*Barr leibhe*), or an oversoum (*Barr-suma*, *Barr-suime*), he must provide for it independently. He may buy grazing from a neighbour in his own or contiguous townland who has an understock (*Gior-leibhe*), or an undersoum (*Gior-suime*, or the community may allow the overstock to remain on the grass till he can dispose of it. If the latter, payment of the grazing of the extra animals is exacted according to their code. The amount is paid over to the fund of the community, which is used for the common good towards buying fresh stock, bulls, tups, or for some such purpose.

'The souming is amended at Lammas (*Lunastain*), after the first markets are held, and re-amended at Hallowtide, after the last markets are over, when the final and winter arrangements are made.

'In Lewis and Harris the crofters keep stock according to every pound of rent they pay. This system is termed *Cosgarradh*, evidently *Coir-sgoraidh*, the right of grazing.

'There being no fences to protect the fields, during summer and autumn the herds are placed at night in enclosures to secure them against trespassing on the crop. The enclosure for horses is called *Marclan*, *Comhlong*; for cattle, *Buaile*, *Cuithe*; for sheep, *Cro*, *Fang*, *Faing*; for goats, *Mainnir*, *Cro*; and for calfs and lambs, *Cotan*.

'Lest any of these should break loose and damage the corn, two men watch the folds together at night. This duty is called *Cuartachadh* rounding the folds, and devolves upon two of the tenants in rotation. Should the watchers become remiss towards the dawn, when the herds begin to move, some of the animals may break through the enclosure and cause loss. If so, the two tenants are held liable, and are required to make reparation (*Dioladh*). The damage is appraised by the constable, who is sworn to do justice, and in this capacity is termed *Foirfeidach*, the just one, or *Measaiche*, the valuator. The constable's valuation is held final, unless he should be interested, when the eldest tenant takes his place.

'The crofters have a code of regulations, for which, if broken, reparation is made. Should a crofter's horse break loose, or his fowls stray, and so destroy a neighbour's corn, the injury is valued and the amount paid into the common fund. All fines and reparations (*Cain*, *Dioladh*) are paid over to this fund, or used for the common good. The crofter paying the fine does not lose all interest therein, nor does the crofter to whom reparation is made derive the exclusive benefit therefrom. This reparation is exacted by the farm constable in his official capacity as representing the crofters of the farm as a body.[11]

'Having finished their tillage, the people go early in June to the hill-grazing with their flocks. This is a busy day in the townland. The people are up and in commotion like bees about to swarm. The different families bring their herds together and drive them away. The sheep lead, the cattle go next, the younger preceding, and the horses follow. The men carry burdens of sticks, heather, ropes, spades, and

[11] The constable of the townland is sometimes termed *am Maor beg*, the little or sub-Maor. Maor is a frequent name of an office-holder, as *Maor gruinnd*, ground-officer; *Maor fearainn*, land-steward; *Maor ceilp*, kelp-officer; *Maor cladaich*, shore-officer; *Maor coille*, forester.

other things needed to repair their summer huts (*Sgitheil, Bothain*). The women carry bedding, meal, dairy and cooking utensils. Round below their waists is a thick woollen cord or leathern strap (*Crios-fheile*, kilt-band), underneath which their skirts are drawn up to enable them to walk easily over the moors. Barefooted, bareheaded, comely boys and girls, with gaunt sagacious dogs, flit hither and thither, keeping the herds together as best they can, and every now and then having a neck-and-neck race with some perverse animal trying to run away home. There is much noise. Men—several at a time—give directions and scold. Women knit their stockings, sing their songs, talk and walk as free and erect as if there were no burdens on their backs nor on their hearts, nor sin nor sorrow in this world of ours, so far as they are concerned. Above this din rise the voices of the various animals being thus unwillingly driven from their homes. Sheep bleet for their lambs, lambs for their mothers; cows low for their calves, and calves low for their dams; mares neigh for their foals, and foals reply as they lightly trip round about, little thinking of coming work and hard fare. All who meet on the way bless the trial, as this removing is called. They wish it good luck and prosperity, and a good flitting day, and, having invoked the care of Israel's Shepherd on man and beast, they pass on.

'When the grazing-ground has been reached and the burdens are laid down, the huts are repaired outwardly and inwardly, the fires are rekindled, and food is prepared. The people bring forward their stock, every man's stock separately, and, as they are being driven into the enclosure, the constable and another man at either side of the gateway see that only the proper souming has been brought to the grazing. This precaution over, the cattle are turned out to graze.

'Having seen to their cattle and sorted their shealings,

the people repair to their removing feast (*Feisd na h-imrig* or shealing feast, *Feisd na h-airidh*). The feast is simple enough, the chief thing being a cheese, which every housewife is careful to provide for the occasion from last year's produce. The cheese is shared among neighbours and friends, as they wish themselves and cattle luck and prosperity.

(' *Laoigh bhailgionn boirionn air gach fireach*
Piseach crodh na h-airidh.)

'Every head is uncovered, every knee is bowed, as they dedicate themselves and their flocks to the care of Israel's Shepherd.

'In Barra, South Uist, and Benbecula, the Roman Catholic faith predominates; here, in their touching dedicatory old hymn, the people invoke with the aid of the Trinity, that of the angel with the cornered shield and flaming sword, Saint Michael, the patron saint of their horses; of Saint Columba the holy, the guardian over their cattle, and of the golden-haired Virgin Shepherdess, and Mother of the Lamb without spot or blemish.

'In North Uist, Harris, and Lewis, the Protestant faith entirely prevails, and the people confine their invocation to,

'The Shepherd that keeps Israel,
He slumbereth not nor sleepeth.

(' *Feuch air Fear Coimhead Israeil,*
Codal cha'n aom no suain.)

As the people sing their dedication, their voices resound from their shealings, here literally in the wilderness, and as the music floats on the air, and echoes among the rocks, hills, and glens, and is wafted over fresh-water lakes and sea-lochs, the effect is very striking.

'The walls of the shealings in which the people live are of turf, the roof of sticks covered with divots. There are usually two shealings together; the larger the dwelling, the smaller the dairy. This style of hut (Sgithiol) is called *Airidh*

or shealing, and *Both cheap*, or *Bothan cheap*, turf bothy ; to distinguish it from the *Both cloiche* or *Bothan cloiche*, stone bothy. This is entirely constructed of stone, the roof tapering to a cone more or less pointed. The apex of the cone roof is probably finished off with a flag, through the centre of which there is a hole like that through an upper millstone, the opening for the egress of smoke and the ingress of light. There is a low doorway with a removable door, seldom used, made of wicker-work, wattles, heather, or bent. In the walls of the hut, two, three, or four feet from the floor, are recesses for the various utensils in use by the people, while in the bosom of the thick wall low down near the ground are the dormitories wherein the people sleep. The entrance to these dormitories, slightly raised above the floor, is a small hole, barely capable of admitting a person to creep through. This sleeping-place is called *Crupa*, from *Crupadh*, to crouch. It was a special feature in the architecture of the former houses of St. Kilda, the houses themselves being called *Crupa* from this characteristic. These beehive houses are still the shealings of the Lewis people. Invariably two or three strong healthy girls share the same shealing. Here they remain making butter and cheese till the corn is ripe for shearing, when they and their cattle return home. The people enjoy this life at the hill pasturage, and many of the best lyric songs in their language are in praise of the loved summer shealing.

'A tenant is liable for his own rent only. Formerly the rent was paid in four different ways. The first part was paid in money, the second in meal, the third in butter and cheese (*Annlann*), and the fourth part in cattle fit for selling or killing (*Crodh creic, Creiche, no Seiche*). In Uist, where kelp (*Ceilp*) is made, the kelp is placed to the credit for rent of the tenants who make it. There was also a system of labour. The people gave so many days' work, the days

being divided in certain proportions between the four seasons of the year. When the land was held direct from the proprietor the labour was called *Morlanachd*, occasionally *Borlanachd*. Probably this term is from *Mur* a fortress and *Lann* an enclosure. This system of labour may have had its origin in return for the shelter the enclosed fortress of the chief afforded the people in time of danger. When the land was held under the tacksman or middleman, and indirectly from the proprietor, the labour was called *Cairiste*, from *Caithris*, unrest, a word sufficiently indicative of the mode of its exaction.

'The shepherd, cattle-herd, and march-keeper (*Coimheadaidh, Criochaire, Fear coimhid*) are paid in kind, invariably in seaweed, land, and grazing. This mode of payment is called *Fairthadh*. The term is also applied to corn, meal, or potatoes, given to men-servants in payment of wages, and also to bits of extra tillage granted by their neighbours to help poor tenants. In parts of Lewis the term is applied to the ground set apart for the poor.

'The shepherd, as his name implies, tends the sheep, the cattle-herd the cattle, and the march-keeper, grass-keeper, or watcher, watches the open marches of the townland to prevent trespass. Having no interest in the matter, the march-keeper is often sent out from the people to call out the lots. The watcher may also be required to act as perchman (*Peursair*, or shoreherd, *Buachaille cladaich*). His duty is to erect a pole, on the top of which is a bundle of seaweed (Gaelic, *Topan todhair*) to indicate that the seaware is on the shore. When the people see the raised sign they hasten to the shore with their horses and carts, and creels, to land the spoils of the sea to put life in the land (*an tabhartas todhair a chuireas beatha an talamh,—an tabhartas todhair chuireas cobhair an uir,*—the seaweed offering that feeds the land). No tenant is permitted to take seaweed

till his neighbours have time to arrive. Occasionally the sea-weed is divided into pennies, and lots drawn for the different shares, as for land.

'The people adhere to their traditional code, and if this be transgressed in any part reparation is exacted. If a tenant, through carelessness, allows his horse to go loose, he is amerced in a fine (*Cain*). The fine is exacted where no damage results. The shepherd, cattle-herd, and watcher are subject to the same rigorous exactions if they allow injury to the crop.

'The proprietor is represented on the estate by a factor (*Bailidh*). In Lewis the factor is called Chamberlain. The factor is represented by a *Maor* in every district, and the *Maor* by a constable in every townland. The factor communicates with his *Maors*, the *Maors* with their constables, who communicate with the tenants of their townlands. The people, however, are allowed to apply their own customs (*Cleachdna*) in working their land, and their own regulations (*Riaghailt*) in managing their stock. The *Cleachdadh* is their unwritten law, the *Riaghailt* their unwritten regulations; and to these they are attached as the result of experience and the wisdom of their fathers. The *Cleachdadh* and *Riaghailt* differ in different parishes, and occasionally in different districts of the same parish. The closer the runrig system is followed, the more are these customs and regulations observed. The more intelligent tenants regret a departure from them. The people defer to the wishes of the many as against the wisdom of the few, and obey the decision of the majority.

'When required by the proprietor or the people, the constable convenes a meeting of the tenants. If the constable presides, the meeting is *Nabac*; if the *Maor* presides, the council is the more important, *Mod* or moot. Perhaps the people have met to confer about making or repairing a dis-

trict road (*Utraid*), the digging or deepening of a ditch, or trench (*Dig*), the planting or repairing with bent (*Muran*) the drifting sandbanks of their *Machair*, or the buying or selling of a bull. The man who presides explains the business, and makes a motion. If the people assent, the matter is decided; if not, discussion ensues. Some of the people speak well. They reason forcibly, illustrate fittingly, and show complete mastery over their native Gaelic, which with them is plastic, copious, and expressive. Everything calculated to mar neighbourliness is discountenanced. Reasoning, they say, shall obtain hearing, and sooner or later victory; but the most contemptible of contemptible things are doggedliness and vulgar abuse (*Ghiobh comhdach buaidh agus luath no mall eisdeachd, ach diubhaidh dubh an domhain, coinealachd agus graisgealachd*). Nevertheless, personalities occur, offensive allusions and remarks are made, even the proprietor's representative in the second or third degree removed being not always treated with immunity, though always with respect. When contention is imminent, the people of the townland, and possibly of other townlands, come to hear. The council meet on a knoll at the house of the *Maor* or the constable. The subject is decided by votes. Those who approve go sunwise to the south and to the right of the official presiding; while those who disapprove go sunwise to the north and to the left of the representative. These directions are symbolic—the one being propitious, the other unpropitious. Should the votes be equal, lots are drawn three times—the two times carrying against the one time. If a man holds out against his neighbours, perhaps faithful amongst the faithless, he is reproached as *aon an aghaidh pobuill*, one against people, and is derisively addressed as *Fiacill gaibhre*, goat-tooth.

'Highlanders are essentially monarchical in their economic institutions and social tendencies. In this they say they but

follow the example or instincts of the lower animals, all of which follow their chief. The leader of the herd or flock is called *Ceannard, Ceann-iuil,* but more frequently *Snaodaire.* The leader of the horses is *Ceannmarc, Ceannmharc, Marc-cheann*; of the cattle, *Ceannabha, Ceannabhoin, Boinecheann*; *ceannnith*; of the sheep, *Ceannciora, Cioracheann*; of the goats, *Ceannabhoc, Ceann-gaibhre, Ceannaghabhar, Gabhar-cheann*; of the swine, *Ceann-cula, Cula-cheann, Speile-cheann*; of the deer, *Ceanna-ghreigh, Grecheann*; of birds, *Ceann-ianlainn, Iala-cheann, Iolcheann*; and of the fish, *Ceann-snaoth. Ceann-snaoth* is particularly applied to the salmon, as *Ceann snaoth an eisg,* the leader of the fish, which is also called *Righ nan iasg,* the king of the fish. The eagle is called *Righ nan ian,* the king of the birds, and *Righ na h-ealtain,* king of the bird universe. The eagle is also termed *Firein,* true bird, *an t-ian,* the bird par excellence. *Firein* is a symbolic name applied to a Christian.

'The leader of the herd is the first to rise and the last to lie down, and even when asleep would seem to be awake. A male is not necessarily the leader. Among cattle this position is often assumed by a cow.

'*An te is urranta dhe'n chrodh*
Is i ghiobh a bhuaidh.

'The ablest of the cows
Achieving victory.

But whether male or female the leader is the least despotic animal in the herd, the most contemptible being invariably the most despotic.

'The houses of the tenants form a cluster (*Gnigne, Grigne, Griogsa, Creaga, Carigean*). In parts of Lewis the houses are in straight line called *Straid,* street, occasionally from one to three miles in length. They are placed in a suitable part of the townland, and those of the tenants of the runrig system are warm, good, and comfortable. These tenants

carry on their farming operations simultaneously, and not without friendly and wholesome rivalry, the enterprise of one stimulating the zeal of another.

'Not the least pleasing feature in this semi-family system is the assistance rendered by his neighbours to a tenant whose work has fallen behind through accident, sickness, death, or other unavoidable cause. When death occurs in a family, all the other families of the townland cease working till the dead is buried—*gu'n cuirear uir fo uir*—till earth is placed under earth.

'Compassion for the poor, consideration towards the distressed, and respect for the dead, are characteristic traits of these people. This is inculcated in their sayings—

'*Comhnadh ris* a bhochd, cobhair ris a bhas, agus baigh ris a bhron, tri nithe ris nach do ghabh duine glic aithreachas riabh.

'Succour to the poor, aid to the dead (in burying), and sympathy with the distressed, are three things which a wise man never regretted.

'Their modes of dividing the land and of equalising their stock may seem primitive and complex to modern views, but they are not so to the people themselves, who apply these amicably, accurately, and skilfully. The division of the land is made with care and justice. This is the interest of all, no one knowing which place may fall to himself, for his neighbour's share this year may become his own three years hence. Portioning the stock according to the grazing rights of individual tenants, and equalising (*Coilpeachadh*) the stock so portioned, are evidently the result of accurate observation.

'Whatever be the imperfections, according to modern notions, of this very old semi-family system of runrig husbandry, those tenants who have least departed from it are the most comfortable in North Uist, and, accordingly, in the Outer Hebrides.'

It will probably surprise many to find that a state of society such as is above described should still exist in some of the townships of the Outer Hebrides. It is not many years since similar communities were to be found in the other islands and on the mainland. Their customs and regulations are obviously pervaded by the spirit of the old tribal communities, as exhibited in the Brehon Laws, and still possess, in more or less degree, some of its characteristic features.

These farm communities, as they may be called, holding the arable land in runrig, and the pasture land in common, are fast disappearing under the influence of modern agricultural improvement, and it is well that this record of the older system, with its characteristic features still existing in some of the Highland townships, should be preserved ere it passes away for ever.

APPENDIX.

I.

TRANSLATION of a part of the BOOK OF CLANRANALD, containing the Legendary History of the Lords of the Isles, as given by the Macvurichs, hereditary Sennachies of the Clan.

THE children of Eochaidh Duibhlein, son of Cairbre Lithfeachar, son of Cormac, were three sons, who were called the three Collas,—Colla Uais, Colla Da crioch, and Colla Meann; their baptismal names were Caireall, Aodh, and Muireadhach, as says the poet—

> Caireall, the first name of Colla Uais;
> Aodh, of Colla Meann of great vigour;
> Muireadhach, of Colla Da chrioch;
> They were imposed on them after rebelling.

Colla Uais, son of Eochaidh Duibhlein, assumed the sovereignty of Erinn in the year of the age of Christ 322; and he was four years in the sovereignty of Erinn when Muireadhach Tireach opposed him with a powerful army, and gave battle to the three Collas, and expelled them to Alban, where they obtained extensive lands, for Oileach, daughter of the king of Alban, was their mother. In the time when Cormac Finn was in the sovereignty over Alban, 362 (326), they spent some time in Alban, until a war broke out between Muireadhach Tireach, king of Erinn and the Ulltaibh, viz., the Clanna Rughruidhe; and he invited the sons of his father's brother, that is, the three Collas, to Erinn to assist him against the Clanna Rughruidhe and the adjoining districts. They responded to the king of Erinn, and waged a fierce war against the Clanna Rughruidhe; and Feargus Foga, king of Uladh, and his three sons, fell by them; and they took possession of the province of Uladh, and of the Oilltrian of the province of Connacht, and many other possessions which

were inherited by their race in succession from the kings of Erinn.

As to Colla Uais, after he had terminated that war he returned back to Alban, and left all those possessions to his brothers; and having spent fifteen years there he went on a free visit to Erinn, and died at Teamhair of the kings, Anno Domini 335.

Colla Uais had four good sons, namely, Eochuidh and Fiachra Tort, and Fearadhach and Maine. All the Clann Domhnuill in Alban and in Erinn are of the race of Eochuidh. The Turtruighe and Fir Luirg are of the race of Fiachraidh Tort. The Fir Li and Fir Lacha are of the race of Fearadhach. The race of Main is not known to us.

A goodly race, descended from Colla Da chrioch, flourished in Erinn, namely Maguire, chief over the country of Fermanagh; Mac Mahon, chief over the country of Monaghan; O'Hanlon, and O'Kelly, and many others.

I have seen nothing written of the race of Colla Meann, except such holy men of them as went into the Church. Many of the holy people of Alban and Erinn were descended from the three Collas.

Here is the direct line of descent from Colla Uais. Eochaidh was begotten of Colla Uais; Carran was begotten of Eochaidh; Earc was begotten of Carran; Maine was begotten of Earc; Fearghus was begotten of Maine; Gothfruigh was begotten of Fearghus; Niallghus was begotten of Gothfruigh. [The genealogy of Macdomhnuill of Clann cheallaigh: Flannagan, son of Tadhg, son of Fearmara, son of Tadhg, son of Lochlann, son of Art, son of Fianacht, son of Domhnall, from whom are the Clann Domhnaill of Clann Ceallaidh, son of Colgan, son of Ceallach, son of Tuathal, son of Maolduin, son of Tuadan, son of Tuathal, son of Daimhinn, son of Cairbre, son of Dom Airgid, son of Niallghus.] Suibhne was begotten of Niallghus; Mearghach was begotten of Suibhne; Solomh was begotten of Mearghach; Giolla Ogamhnan was begotten of Solomh. It is from this Giolla Oghamhnan descended the Clann Domhnaill of Ros Laogh, from a brother of Giolla Bride, son of Giolla Oghamhnan; and it was Giolla Oghamhnan that erected Mainistir-na-Sgrine, in Tir Iarach, in the county of Sligo, in the province of

Connacht, and his name is there. (And be it known to you that the constant title borne by the clann of this tribe, from Ragnall, son of Somairli, up to Colla Uais, was O'Colla and Toisech of Eargaoidheal.) Giolla Bride, son of Gille Oghamhnan, son of, and from him, the Toisechs of Earargaoidheal (Argyll), having been among his kindred in Erinn, that is, from the Clann Colla, which are the Manchuidh and Mathdamnaidh, viz., the tribes of Macguire and Macmahon, it happened that this tribe held a meeting and conference in Fermanagh, on the estate of Macguire, and among the matters to be transacted was that Giollabride should get some estate of his own country, since he had been in banishment from his inheritance, by the power of the Lochlannach and Fionngallach (Norwegians). When Giollabride saw a large host of young robust people in the assembly, and that they were favourable to himself, the favour he asked of his friends was, that so many persons as the adjacent fort in the place could hold should be allowed to go to Alban with him, in the hope that he might obtain possession of his own inheritance and portion of it.

Giolla Bride proceeded with that party to Alban, where they landed. They made frequent onsets and attacks on their enemies during this time of trouble, for their enemies were powerful and numerous at that time. All the islands from Manann (Mann) to Arca (Orkneys), and all the Oirir (border land) from Dun Breatan (Dumbarton) to Cata (Caithness) in the north, were in the possession of the Lochlannach; and such of the Gaedhal of those lands as remained were protecting themselves in the woods and mountains; and at the end of that time Giolla Bride had a good son, who had come to maturity and renown.

It happened that the small party who were followers of Giolla Bride and Somairli (Somerled) were in the mountains and woods of Ardgobbar (Ardgour) and of the Morbhairne (Morvern), and they were surprised there by a large force of Lochlannach and Fionnghallach. All the soldiers and plundering parties which Somerled had, gathered round him, and he arranged them front and rear. Somerled put them in battle order, and made a great display of them to his enemies. He marched them three times before them in one company, so that they supposed there were three companies there. After that he

attacked them, and they were defeated by Somerled and his party, and he did not halt in the pursuit till he drove them northward across the river Sheil, and a part escaped with their king to the Isles; and he did not cease from that work till he cleared the western side of Alban of the Lochlannach, except the Islands of the Fionnlochlann (Norwegians), called Innsigall; and he gained victory over his enemies in every field of battle. He spent part of his time in war and part in peace, until he marched with an army to the vicinity of Glaschu (Glasgow), when he was slain by his page, who took his head to the king, in the year of our Lord 1180 (1164). His own people assert that it was not to make war against the king that he went on that expedition, but to obtain peace, for he did more in subduing the king's enemies than any war he waged against him.

Somerled had a good family, viz., Dubhghal and Raghnall, and the Gall mac Sgillin, this man being so named from whom are descended the Clann Gall in the Glens. Bethog, daughter of Somerled, was a religious woman and a Black Nun. It is she that erected Teampall Chairinis, or the Church of Cairinis, in Uibhist (Uist). Dubhgal, son of Somerled, took the chiefship of Eargaoidheal and Ladharna (Argyll and Lorn). Raghnall and his race went to Innsigall and Ceanntire, where his posterity succeeded him.

Ragnall, king of Innsigall, and Oirirgaoidheal (the Isles and Argyll), was the most distinguished of the Gall or Gaoidheal for prosperity, sway of generosity, and feats of arms. Three monasteries were erected by him, viz., a monastery of Black Monks (Benedictines) in I (Iona), in honour of God and Columcille; a monastery of Black Nuns in the same place, and a monastery of Grey Friars at Saghadul (Saddle in Kintyre), and it is he also who founded the monastic order of Molaise.

Be it known to you that Ragnall with his force was the greatest power which King Alexander had against the King of Lochlann at the time he took the Islands from the Lochlannach, and after having received a cross from Jerusalem, partaken of the Body of Christ, and received unction, he died, and was buried at Reilic Oghran in I (Iona) in the year of our Lord 1207. And it was some time after this that Ragnall, son of Gofraidh, king of the Fionngall (Norwegians), was treacherously

killed by Amhlamh, son of Gofraidh, in the year of our Lord 1229. From this forth the rightful inheritance of Innsigall came to Ragnall, and his race after him, for the daughter of Amhlamh Dearg, son of Gofraidh, was the mother of Ragnall, son of Somerled. This daughter of Amhlamh was the lawful heir of her father and of her two brothers, viz. Ragnall and Amhlamh Dubh.

Messages came from Teamhair (Tara in Ireland) that Domhnall, son of Ragnall, should take the government of Innsigall and of the greater part of the Gaoidheal. He had good children, viz. Aonghus Mor, the heir, and Alasdair, from whom descended the Clann Domhnaill Renna, Mac William of the province of Connaught, and the Clann t-Sidhigh (Sheehy) of Munster, who are sprung from Siothach an Dornan, son of Eachuin, son of Alasdair.

Aonghus Mor, son of Domhnall, son of Ragnall, took the place of his father, and it was in his time that the war of the Baliols and the Bruces broke out. The tribe of Dubhgal, son of Somerled, took the side of the Baliols, and the race of Ragnal, son of Somerled, the side of Robert Bruce, and all the garrisons from Inbhear Feothfar (Dingwall) in the Ross to the Mull of Kintyre were in the possession of MacDubhgal during that time, while the tribe of Ragnall were under the yoke of their enemies.

Aonghus Mor had good children, viz. Aonghus Og, the heir, and Eoin, from whom sprang the Clann Eoin of Ardnamurchan, and Alasdair, from whom descended the Clann Alasdair; and Aonghus na Conluighe, from whom are sprung the Clann Donchaidh and Robertsons; and much may be written about this Aonghus Mor which is not here. He died in Ile (Isla) in the year of our Lord 1234 (1294).

Aonghus Og, son of Aonghus Mor, son of Domhnall, son of Ragnall, son of Somerled, the noble and renowned high chief of Innsigall. He married the daughter of Cuimmbhuighe O'Cathan. She was the mother of Eoin, son of Aonghus, and it is with her came the unusual retinue from Erinn, viz. four-and-twenty sons of clan families, from whom sprang four-and-twenty families in Alban. Aonghus had another son, viz. Eoin Og an Fhraoich, from whom descended the Clann Eoin of Glencomhan (Glencoe), who are called the Clann Domhnall an Fhraoich (of

the heather). This Aonghus Og died in Ile (Isla), and his body was interred in I (Iona) in the year of our Lord 1306 (1326).

Eoin, son of Aonghus Og, succeeded his father in the chief government of Innsigall. He had good children, viz. three sons by Anna, daughter of Ruadhri, son of Ailin, high chief of Lagarna (Lorn), and one daughter Mairi, and that Mairi was the wedded wife of Eachduinn MacGiolla Eoin (Hector MacLean), Lord of Dubhard (Duart), and Lochlan was his brother, and she was interred with the Lord of Coll in I (Iona), in the church of the Black Nuns.

The eldest sons of Eoin were Ragnall, Gothfruigh and Aonghus; however he did not marry the mother of these men from the altar, but came to the resolution of marrying her at the time of her death, for she was a sufficient wife for him; but his advisers opposed him regarding it, for it appeared to them that he could get a suitable match if an heir was made from his first progeny, although he was young and vigorous. Therefore he made a provision for his son Ragnall, and that was all the land which extended from Cillchuimin in Obuirthairbh (Abertarff) to the river Sheil, and from the river Sheil to the Belleith in the north, Eig and Rum, and the two Uibhists (North and South Uist). And after that he proceeded to the mouth of the river of Glascu, and had threescore long-ships with him, and he married Margaret, the daughter of Robert Stuart, whom we call King of Alban, but the real person was Robert, Earl of Fife, that is the brother-german of old Robert Fearingiora, that is the king, and he was governor of Alban. And she bore to Eoin three good sons, viz. Domhnall of Ile, the heir, and Eoin Mor the Tanist, and Alasdair Carrach, the third son. Eoin had another son, viz. Marcos, from whom descended the Clann Domhnall of Cnoic-an-chluith in Tir Eoghain (Tirone in Ireland). This Eoin enjoyed a long life. It is he that made donations to Icolumcille in his own time, and it is he also that covered the chapel of Elan Eorsag and the chapel of Elan Finlagan, and the chapel of Elan Suibhne (island in Loch Sween), with all their appropriate instruments for order and mass and the service of God, for the better upholding of the monks and priests this lord kept in his company; and it is he that erected the monastery of the Holy Cross a long time before his death; and he died in his own castle of Ardtorinis, while

monks and priests were over his body, he having received the body of Christ and having been anointed, his fair body was brought to Icolumcille, and the abbot and the monks and vicars came to meet him, as it was the custom to meet the body of the king of Fionnghall, and his service and waking were honourably performed during eight days and eight nights, and he was laid in the same grave with his father in Teampal Oghrain in the year of our Lord 1380.

Ragnall, the son of Eoin, was High Steward over Innsigall at the time of his father's death, being in advanced age and ruling over them. On the death of his father he called a meeting of the nobles of Innsigall and of his brethren at one place, and he gave the sceptre to his brother at Cill Donan in Egg, and he was nominated MacDonald and Domhnall of Ile (Isla) contrary to the opinion of the men of Innsigall. A man of augmenting churches and monasteries was this Ragnall, son of Eoin, son of Aonghus Og, from whom the name of Clann Raghnall has been applied to his race. He bestowed a Tirunga (unciata) of land in Uibhisd (Uist) on the monastery of I (Iona) for ever, in honour of God and of Columcille. He was governor of the whole of the Northern Oirir (Coastland) and of the Isles, until he died in the year of the age of Christ 1386, in his own manor of Caislen Tirim, having left a family of five sons.

We shall now treat of Domhnall a hile (Donald of Isla), son of Eoin, son of Aonghus Oig, the brother of Ragnall, how he took the lordship with the consent of his brethren and the nobles of Innsigall, all other persons being obedient to him, and he married Mairi, daughter of the Earl of Ros, and it is through her that the earldom of Ros came to the Clan Domhnall. He was styled Earl of Ros and MacDomhnall, and High Chief of Innsigall. There are many exploits and deeds written of him in other places. He fought the battle of Gairfech (Garrioch or Harlaw) against Duke Murdoch in defence of his own right and of the earldom of Ros, and on the return of King James the First from the captivity of the King of Sagsan (England), Domhnall of Ile obtained the king's goodwill and confirmation of Ros and the rest of his inheritance, and Duke Murdoch and his two sons were beheaded.

He (Domhnuill) was an entertainer of clerics and priests and

monks in his companionship, and he gave lands in Mull and in Isla to the monastery of I, and every immunity which the monastery of I had from his ancestors before him; and he made a covering of gold and silver for the relic of the hand of Coluimcille, and he himself took the brotherhood of the order, having left a lawful and suitable heir in the government of Innsigall and of Ros, viz. Alasdair son of Domhnaill. He afterwards died in Isla, and his full noble body was interred on the south side of Tempall Oghran.

Alasdair, his son, succeeded his father in the earldom of Ros and lordship of Innsigall. He married Margaret Livingston, daughter of the Earl of Lithcu; she was mother of Eoin, who was called Eoin of Ile or Isla, son of Alasdair of Ile, son of Domhnall of Ile.

Aonghus Og, son of Eoin, who was called the heir of Eoin, married the daughter of Mac Cailin (Earl of Argyll), and a disagreement arose between him and his father about the division of his territory and land, in consequence of which a war broke out between the chiefs of Innsigall and the tribe of MacDomhnaill, the tribe having joined Aonghus, and the chiefs having joined Eoin. And the affair having been thus carried on, Eoin went to Mac Cailin and gave him all that lay between Abhuinn Fhada (the river Add) and Altna Sionnach at Braigh Chinntire (that is, the lands of Knapdale), for going with him before the king to complain of his son. Shortly afterwards this Aonghus Og had a large entertainment with the men of the north side at Inbhearnis, when he was murdered by Mac ICairbre, his own harper, who cut his throat with a long knife.

His father lived a year after him, and all the territories submitted to him, but, however, he restored many of them to the king.

The daughter of Mac Cailin, the wife of Aonghus, was pregnant at the time he was killed; and she was kept in custody until she was confined, and she bore a son, and Domhnall was given as a name to him, and he was kept in custody until he arrived at the age of thirty years, when the men of Gleann Comhan (Glencoe) brought him out by a Fenian exploit. On his coming out of custody he came to Innsigall, and the nobles of Innsigall rallied round him.

During the time that Domhnall Dubh had been in custody there was a great struggle among the Gaoidheal for power, so

that Mac Ceaain of Ardnamurchan almost destroyed the race of Eoin Mor, son of Eoin of Ile and of Ceanntire. Eoin Cathanach, son of Eoin, son of Domnall Balloch, son of Eoin Mor, son of Eoin, son of Aongus Og, Lord of the race of Eoin Mor, and Eoin Mor, son of Eoin Cathanach, and Eoin Og, son of Eoin Cathanach, and Domhnall Balloch, son of Eoin Cathanach, were treacherously taken prisoners by MacCeain on the island of Fionnlagan in Ile; and he conveyed them to Duneidin, and a gallows was erected for them at that place which is called Baramuir (Boroughmuir), and they were executed, and their bodies buried in the church of Saint Francis, which is called Teampal Nua (New church) at this time. There were none left of the children of Eoin Cathanach but Alasdair, son of Eoin Cathanach, and Aongus Ileach, who were hiding in the Glens in Erinn. And it is related of MacCeaain that he expended much wealth of gold and silver in making axes for the purpose of cutting down the woods of the Glens, in the hope he might be able to banish Alasdair, son of Eoin Cathanach, out of the Glens and out of the world. It happened at length that MacCeaain and Alasdair made an agreement and a marriage-contract with each other. Alasdair married his daughter, and she bore a good family to him.

In a similar manner a misfortune came over the Clann Domhnall of the north side, for after the death of Eoin of Ile, Earl of Ros, and the killing of Aongus, Alasdair, son of Giollaeaspuig, son of Alasdair of Ile, took possession of the earldom of Ros and of the northern Oirir entirely, and married the daughter of Morbhair Moireagh (Earl of Moray). However, some of the men of the northern side came, when the Clann Choinnidh (Mackenzies) and others rose up in opposition to Alasdair, and fought the battle of Blar, which they call Blar na Pairce.

Alasdair had no men left but such as he had of the men of Ros. Alasdair came to the coast after that to seek for a force in Innsigall, and he embarked in a long-ship to the southern Oirir to see if he could find a few remaining of the race of Eoin Mor. Mac Ceaain observed him, and followed him on his track to Oransay of Colonsay, and entered the house upon him, where Alasdair, son of Gilleaspuig, was killed by Mac Ceaain and by Alasdair, son of Eoin Cathanach.

This matter remained so for a space of time, until Domhnall

Gallda, son of Alasdair, son of Gilleaspuig, came of age; and he came from the Galltachd (the Lowlands) by the direction of Morbhar Moireagh (the Earl of Moray), until he came to Innsigall; and he brought Macleod of Leoghas with him, and a good number of the nobles of Innsigall. They went out on Rudha-Ardnamurchan (the Point of Ardnamurchan), and there they met Alasdair, son of Eoin Cathanach, and he and Domhnall, son of Alasdair, made a compact and agreement with each other; and they together attacked Mac Ceaain at a place called Creagan Airgid, and he and his three sons and many of his people were slain there.

Domhnall Gallda was nominated Mac Domhnall of this side of Ruga Ardnamurchan (the Point of Ardnamurchan), and the men of Innsigall submitted to him; but he did not live after that but seven or eight weeks. He died at Cearnaborg in Mull, leaving no family or heir; but three sisters he had, viz. the three daughters of Alasdair, son of Gilleaspuig. A settlement was made on those daughters in the northern Oirir, but they gave up Ros. Alasdair, son of Gilleaspuig, had a natural son, of whose descendants there is some account, viz. Eoin Cam, son of Alasdair, from whom are sprung the men of Achuidh na Cothaichean in the Braighe, and Domhnall Gorm, son of Raghnall, son of Alasdair Dubh, son of Eoin Cam.

With regard to Domhnall Dubh, son of Aongus, son of Eoin of Ile, son of Alasdair of Ile, son of Domhnall of Ile, son of Eoin of Ile, son of Aongus Og, viz. the lineal lawful heir of Innsigall and of Ros, on his release from confinement he came to Innsigall, and the men of Innsigall gathered about him; and he and the Earl of Leamnachd (Lennox) made an agreement to raise a large army for the purpose of his getting into possession of his own property; and a ship came to them from England to Caol Muile (Sound of Mull), with money to help them in the war. The money was given to MacGilleoin of Dubhard (MacLean of Duart) to divide among the leaders of the army; they did not get as much as they desired, and therefore the army broke up. When the Earl of Leamhnachd heard that he dispersed his own army, and made an agreement with the king. Macdomhnaill then proceeded to Erinn to request a force to carry on the war, and on his way to Baile Atha Cliath (Dublin) he died at Droichead-

Ath (Drogheda) of a fever of five nights, without leaving a son or daughter as his offspring.

O'Henna made this on Eoin of Ile :—

The sovereignty of the Gael to the Clann Colla,
It is right to proclaim it ;
They were again in the same battalions,
The heroes of Fodla (a name of Ireland).
The sovereignty of Erinn and of Alban
Of the sunny lands
Was possessed by the sanguinary sharp-bladed tribes,
The fighting champions.
The government of the entire tribes was obtained
By Eoin of Ile.
Alasdair, the lord of hospitality, obtained
The profit of kings.
Domhnall, Eoin, and two Aonghus',
Who were hospitable and joyful,
Four that gained tribute from kings,
And to whom the Gael submitted.
Domhnall and Raghnall to kings
Never did give ;
Somairle, who was not deceived by flattery,
The chief of heroes.
Four from Somairle of the blue eyes
Up to Suibhne ;
Four whose dignity was not obscure,
It is right to remember them.
Six from Suibhne before mentioned
To king Colla ;
Wine they had on the banks of the Banna
In angular cups.
Were I to enumerate all those connected with him
Of the nobles of the Gael,
I might give every generation up to Adam,
Such as no other man has attained.
This is a sketch of the genealogies of the Gael,
As I have promised ;
This tribe with whom no comparison should be made,
And to whom sovereignty was due.

Age of our Lord 1473, the year that Giollaespuig, son of Alasdair of Ile, died, and his body was interred at Rosmhaircni, viz. the brother of Eoin of Ile, and the father of Alasdair, son of Giollaespuig, was killed by Mac Ceaain in Orbhansaigh Colbhansaigh (Oransay of Colonsay) ; and the daughter of Mac Duibhsithe of Lochaber was the mother of this Giollaespuig, son of Alasdair of Ile.

Age of the Lord 1437. In this year the King of Alban, viz. King James the First, was treacherously killed in the town of Pheart (Perth) by his father's brother, viz. Morbhair Athfall (Earl of Athole).

In the same year died Aonghus, bishop of Innsigall, son of Domhnall of Ile, son of Eoin, son of Aonghus Og. His noble fair body was buried, with his crozier and his episcopal habit, in the transept on the south side of the great choir, which he selected for himself while alive. Domhnall of Ile had another son, a monk, and it was in his time that Baile-an-Mhanuidh in Uibhisd (Uist) was given to the church, anno Domini 1440.

In this year died Mairi Leisli Banmorbhair (Countess) of Ros, and Lady of Innsigall, viz. the wife of Domhnall of Ile.

I have given you an account of everything you require to know of the descendants of the Clanns of the Collas and Clann Domhnall to the death of Domhnall Dubh at Drochead Atha, viz. the direct line who possessed Innsigall, Ros, and the Garbhchriochan (rough bounds) of Alban. This Domhnall was the son of Aonghus (that was killed at Inbhernis by his own harper Mac IChairbre), son of Eoin of Ile, son of Alasdair, son of Domhnall of Ile, son of Eoin of Ile, son of Aonghus Og, and I know not which of his kindred or friends is his lawful heir. Except these five sons of Eoin, son of Aonghus Og, whom I set down to you, viz. Raghnall and Gothfraigh, the two sons of the daughter of Mac Dubhgaill of Lagairn (Lorn), and Domhnall, and Eoin Mor, and Alasdair Carrach, the three sons of Mairgred Sdiuord, daughter of the Earl of Fife, and governor of the King of Alban.

The race of Raghnall, Lord of Clann Raghnaill, viz. the House of Oilen Tirim, and the Lord of Gleann Garadh (Glengarry).

Gothfruith left no offspring, except a few poor people who are in North Uibhisd.

The offspring of Domhnall of Ile, the eldest son of Mairgred Stiubhord, was Alasdair of Ile, Earl of Ros and Morbhair of the Islands. This Alasdair married Mairgred Livisdon, daughter of the Earl of Lithcu, to whom she bore Eoin the Earl. Alasdair had other children, viz. Huisdinn, by a daughter of Giolla Phadraig Riaigh, son of Ruaighri, son of the Green Abbot, son of the Earl of Ros, whose surname was of the Rosses. He had for patrimony the third part of Lewis, and other lands upon the

mainland. It is he that was killed in the parts of Gallolach (Garrioch) when along with Mac Domhnall, viz. Domhnall of Ile. For there were four that went out of the army before any part of the main force went with them, viz. Tormord Macleoid and Torcuill his brother, Lochluinn mac Gillemhaoil and Giolla Padraig mac Ruaighri. Giolla Padraig mac Ruaighri and Lochluinn mac Giollamhaoil were killed, but Tormoid and Torcuill escaped safe from the pursuit.

It was this Huisdinn, son of Alasdair, that plundered Orcain (Orkney), and William Macleoid of Heradh (Harris), and the youth of Innsigall were along with him in that expedition. Huisdinn caused Domhnall Gallach, son of Huisdinn, to marry the daughter of Cruner Gall (the Coroner of Caithness), and she was of the Gunns. Huisdinn had other good children, viz. Domhnall Herach, son of Huisdinn, and the daughter of Macleoid of Heradh was his mother; and Eoin, son of Huisdinn, and the daughter of Mac Cean of Ardnamurchan was his mother; but that Eoin left no issue, and Giollaespuig, son of Huisdinn, possessed the lordship, and other sons who are not mentioned here. Domhnall Gruamach, son of Domhnall Gallach, and Domhnall Gorm, son of Domhnall Gruamach, and Catriana, daughter of Alasdair, son of Ailin, Lord of Clann Raghnaill, was his mother, whose descendants still possess the lordship.

Giollaespuig, son of Alasdair of Ile, whose mother was daughter of Mac Duibhsithe of Lochabar, and Alasdair, son of Giollaespuig, who obtained possession of the earldom of Ros, and Domhnall, his son, died without issue.

Eoin Mor, son of Eoin, son of Aonghus Og, the Tanist to Mac Domhnall, married Mairi Bised, and it was with her the seven Tuaths of the Glens came into the possession of the Clann Domhnall.

Alasdair Carrach, the third son, married the daughter of Morbbair Leamhna (the Earl of Lennox), but she bore no children to him. Aonghus, son of Alasdair, whose mother was a daughter of Mac Dubhshibhe, but she was not married to him. Alasdair, son of Aonghus, from whom are descended the race of Alasdair, son of Aonghus, in the Braes of Lochabar.

There you have the descendants of these four sons of Eoin, son of Aonghus Og.

II.

BAILE SUTHAIN SITH EAMHNA.

An Irish poem relating to the Kingdom of the Isles, copied from a fragment (paper) of an Irish MS. written *circa* A.D. 1600, in the possession of W. M. Hennessy, Esq., collated with a copy contained in the Book of Fermoy (R. I. Academy), transcribed about A.D. 1457.

I.

Baile suthain sioth Eamhna,
Cruthaidh an chrioch a ttarla,
Raith chaomh os cionn gach diongna
'Nab iomdha craobh fhionn abhla.

II.

Eamhoin abhlach as uire,
Teamhoir na tteaghlach mbuaidhe,
Tearc dun na cnoc as caoimhe,
Na mbrot naoidhe (naeighi) n-ur n-uaine.

III.

Eamhuin raith aoibhin ionnfhuar (fhinnfhuar),
Raith as faoilidh fa fhionndan,
Geabhuidh rod go ro seandun,
Bo bheannur og ar ioman.

IV.

Iomhda an Eamhoin fhinn fhear uir
D'fhearaibh ar a sil saor shuil,
Marcach eich duinn go dioghair
Tre dhreich siodhain ceuir (cuir) ceraobhuir (craebair).

II.

TRANSLATION

BY

W. M. HENNESSY, Esq.

I.

A PERPETUAL place is Sith-Eamhna,
Beauteous the territory in which it is found
A fair Rath above every fort,
In which fair apple-trees are plenty.

II.

Eamhain of the apples, the freshest,
The Tara of the victorious households,
Few the duns and hills more fair,
In their young, fresh, green garments.

III.

Emhain, the delightful, cool Rath,
The Rath to which fair art is welcome;
The road to the old fort will
A young-horned cow a-driving take.

IV.

In bright Emhain of the fresh grass,
Many the men on whom a noble eye looks;
Many the vehement rider of a brown steed
Approaching in peace through the branchy woods.

V.

Iomhda an (ind) Eamhoin (Emain) na n-innbhear (indmher),
Ris nar dhealaigh a doinntleadh,
Guirt ar na nar a bhfagmar (an fhamur),
Dharbhar ghlan chuirp an choimdeadh (choimghedh).

VI.

Suairc bfhairche fhir an dumha (fir in duma),
Atibh na tairthe meala,
Dul go sidh (cu sid) bhlaith an (in) bhrogha.
Dola go (cu) raith mhin meadha.

VII.

Eamhain (Em̄) abhlach na n-iobhar
Sleamhain barrdhath a bileadh,
Baile nua san (fan) dubh droighean,
Nar hoilead lugh ua an fhilead.

VIII.

Eamhain (Em̄) na nabhall ccumhra (cumra),
Teamhair (Temair) Mhanann gan (cin) mheabhla,
As iad (assiat) cuaine saor (saer) Sadhbha,
Abhla craobh (craebh) n-uaine n-Eamhna.

IX.

Tusa (tussa) mac Sadhbha saoire,
As (is) tu an slat (intshlat) abhla as (ar) aille,
Ca dia do bhru na boinne
Do roine ria thu a taidhe.

X.

A Raghnuill, a ri an (in) diongna,
Ra dhruim (druim) dha (da) thi ar ti tearla (herrla)
Do gheabhae (ghebha) a meic saoir Sadhbha,
Labhra on leic a ttaoibh (ttaeibh) Theamhra.

V.

Many in Emhain of the estuaries
(From which their deep floods have not departed)
The fields tilled in harvest
With clear corn of the Lord's body.

VI.

Joyous the estate of the man of the *dumha*
Which has drunk the showers of honey;
To go to the sweet *sidh* of the Brug
Is to go to the smooth Rath of mead.

VII.

The appley Emhain of the yews,
Smooth, top-coloured are its trees;
A new place under the black thorn,
In which was nursed Lugh, descendant of the poet.[1]

VIII.

Emhain of the juicy apples,
The Tara of Manann, without disgrace;
The noble progeny of Sabia
Are the apples of the green branch of Emhain.

IX.

Thou, the son of noble Sabia,
Thou the most beauteous apple rod;
What God from Bru of the Boyne
Created thee with her in secret?

X.

O Raghnall, king of the fortress,[2]
If thou comest with the object of seeking it,
Thou wilt obtain, O son of noble Sabia,
A sound from the flag by the side of Tara.[3]

XI.

Da madh leat sloigh fhear (bfher) bhfuinigh (fhuinidh).
O bhoinn go mbean (cu mben) re tibhir.
Mo dheit ar mhil 'sar mheadair (megair)
Eamhain mheic Lir mheic Mhidhr.

XII.

A mheic Gofraidh chaoimh (chaeimh) cruthaig,
Nar lo traigh (traid) re taoibh (taeibh) tacair (tacoir),
Ni miadh (miad) leath (lat) e (he) ot athair,
Macathach (mac ath) retre ad rathaigh (rathoigh).

XIII.

Nior (nir) uaisle (uaisli) inaoi (inai) ri Romhan,
As (is) i do ghnaoi (ghnai) an (in) ghnaoi (ghnai) lainfhial,
Nor uaisle rath riogh (righ) Suiriam,
Na sgath chuilfhiar griobh (gribh) Ghailian.

XIV.

Anu ni fhuighbhe (fuidbhi) Eamhain (Emain),
Suirghe mar thu, as tu an cobhair (in chabhair),
Tulchan mar e (he) na aghaidh,
Faghaigh e (he) ar drumchlar domhain.

XV.

Doirse t' fhearainn (ferainn) as iomdha (imdha),
Soillse inaid (inait) sreabhainn ghorma,
As (is) daoibh (dib) a chraobh (craebh) chuain Eamhna (Emna)
Uaim fhearna, uaim chaomh cnodhbha (chnoghdha).

XVI.

Do raghainnse gan ro (a) luing
Is ann (in) Manainn (Manaind) se (si) mholaim
Go mbeinn (cu mbeind) thuaidh re taobh thfearainn,
Da leanainn uaim chaoimh chorainn.

XI.

If thine were the hosts of the men of the setting (the west),
From Boyne till it touches the Tiber,
Greater to thee for joy and pleasure,
Were the Emhain of the son of Lir, son of Midir.[4]

XII.

O son of the fair, shapely Goffraidh,
That withdrawest not a foot in battle;
It beseems not, on thy father's account,
That any man in thy time should be thy surety.

XIII.

Not nobler was the king of the Romans than thou,
Thy face is the generous face;
Not higher the fortune of the king of Syria,
Than that of the long-tressed griffin of Gailian.[5]

XIV.

To-day, Emhain will not obtain
A lover like thee—thou art the help;
A hillock like it in comparison,
Find ye it on the surface of the earth.

XV.

Many are the doors of thy country,
Brighter than the blue rills;
Of them, O branch of the stock of Emhain,
Are the cave of Ferna, the fair cave of Knowth.

XVI.

I would go, without a stately ship,
Into this Manainn which I extol;
That I might be north near thy land,
If I followed the noble cave of Corann.

XVII.

Roinnfe (roindfi) ar dho Mhanuinn mhaigh (do Manaind maid) reidh,
Ar raluing is ar ionnshloigh,
Sleibhte ar fhud do ghort n-glainreidh
Tug daighmheinn ort a fionn bhoinn (find bhoind).

XVIII.

Coisgfe ar (fher) agus airgfe,
Loisgfe teagh agus tolgbfae (tolcfaidh),
Nar ladh caor ar dho ceardchae,
Seargfae ar a lar caol colpae.

XIX.

Airgfe Ath cliath an chomhlainn,
Is do sgiath ar sgath do ghlanbhuinn,
Ait toighe ar ttocht (thocht) go Duibhlinn,
Cuinghim ort roimhe a Raghnuill.

XX.

A Raghnaill, a ri an Domhnan,
A ri dha ttabhraim (da thabhraim) tulgradh,
Ad dhiaigh um chnoc o Colman,
Buaidh orghan stoc is sdurghan.

XXI.

Maith theangnamh, cruaidh do chroidhe,
A fhlaith ceannghlan chuain Mhuile,
Cloidheamh cruaidh oigfhir eile
Beire a truaill bhroighib (broigil) bhuidhe.

XXII.

Do shleagh dhearg ar dho (do) dhearnainn,
Gach fear a searg (scarc) re a slimrinn,
Gombi (cumbi) a grainne (graine) tre a ghlandruim (geal no glan),
Saidhe a Raghnuill i (hi) a n-imlinn.

XVII.

The smooth-plained Manann, thou wilt divide
in two,
For fleets and also for large armies;
The hills along thy clear level fields,
That have given thee beauty, O fair Boyne.

XVIII.

Thou wilt restrain menslaughter, and wilt plunder,
Thou wilt burn houses and wilt demolish;
That no bolt may fall on thy forge,
The narrow Colpa thou wilt dry up.

XIX.

Thou wilt plunder Ath-cliath of the combat,
With thy shield guarding thy clear side;
The site of a house, on coming to Dublin,
I ask of thee in advance, O Raghnall.

XX.

O Raghnaill, O King of the Domhnan;[6]
O king, to whom I give ardent love;
After thee, about Cnoc-O'Cholman (Tara),
Shall be organs, trumpets, and clarions.

XXI.

Good thy prowess, brave thy heart,
O bright-headed prince of the harbour of Mull;
The hard sword of another young man
Thou wilt bear in a yellow-bordered scabbard.

XXII.

Thy red spear in thy right hand,
With (from) whose slim (sharp) point every man is in
love (sickness),
Until its edge is through the clear back,
Thrust it, O Raghnaill, in the navel.

XXIII.

Geibhe ghlaic (glaic) a cuirr chairre (cnairre),
Geibe shlait (slait) nduinn gan duille,
Do theid (teit)chruinn (cruinn)shleamhain (slemain)sreinge,
Seinne a cuirr leabhair luinge.

XXIV.

Sibhse fir na mbarc mbreactha.
Ni mo chin tracht na ttiocfa (ticfa),
Aitnidh dhaoibh troigh re toptha (tophta),
Do ghoin ochta caoimh chniochta.

XXV.

A ua ghil Gofraidh Mhearaigh (Mheraigh),
A fhir do lotraigh luirigh,
Do mhoid (moit) a ri re (ri) rioghain (righain),
Do dhiogail si ar a suilibh.

XXVI.

A mheic (mic) Ghofraidh fheil fearrdha (fherrdha),
A mheic reidh sochraigh shadbha,
Dho bhloghais do moigh (bhloigh) dhomhna
(domna),
Chomhla solais ngloin ngarrdha.

XXVII.

A ua Lachluinn na laoidheang
A ua glan Chuinn na ngeibhionn
Iarrfam (iarfain) cuan ar cul Arann
Ag (ac) sur traghann nfhuar n-eirionn (n Erenn).

XXVIII.

Iomdha (Imda) ad luing ar lar bhleighe (bleidhi),
Ris nach buing sal na suidhe (snidi),
Peisd is i na hor bhuidhe,
Is duine ag ol di dighe (dhighi).

XXIII.

Take, in thy round, stout hand,
Take a brown leafless rod,
Thy round smooth, strung rope,
Whilst we are on the poop of thy roomy ship.

XXIV.

You, ye men of the speckled barks,
I love not the strand to which ye come not;
To you is known the quick step,
To the wounding of the bosoms of noble knights.

XXV.

O fair descendant of Godfrey Mearagh,[7]
O man that hast hacked coats of mail;
A king has boasted to a queen,
That he would avenge thee before her eyes.

XXVI.

O son of generous manly Godfrey,
O mild sedate son of Sabia;
Thou hast broken off from Magh-Domhna (a part of Domhna)
The clear bright garden gate.

XXVII.

O descendant of Lochlainn of the ships;
O fair descendant of Conn of the fetters;[8]
We will ask a harbour behind Aran,
Whilst searching the cold strands of Erin.

XXVIII.

Many is the goblet in the hold of thy ship,
Fixed and untouched by the brine;
Circled by a serpent of yellow gold,
Out of which a man quaffs a drink.

XXIX.

Deocha dod (dot) chuirm (cuirm) nom ceanglann (nomcenglann)
Do mhuirn ga muirn nach diongbhann,
Duadh (duna) ga nibhe ni fhoghbham,
Mire chormann bfhuar (fuarr) bFhionnghall.

XXX.

Ceim (ceir) ad thigh (atigh) ar ti comhoil,
Fir dhon fheinn a ri ad ralaimh
Easgra (escra) caomh fad chuirm nglanthuair,
Laom (laem) ra ghuail nguirm ar gabbail.

XXXI.

A Radhnaill a ri Cola
Gach ni ad ghlanluing do gheabha
Rug ar shluagh sniomh an mhara,
Fion tana fhuar na heala.

XXXII.

[B]og an dream re (ac) dail rochruidh,
Fearr ina a dhail go (cu) dochraid,
Cruaidhe ne fir re (ri) fearthoin (ferthoin).
Fearchoin (ferchoin) cuaine (chuaine) ghil Ghofraidh.

XXXIII.

Beri bhuidhin (bhuighin) mbrat ccuanda (cuanna),
Lat do na muighibh mora
Gluaisid gaoth dhod chionn craobha,
Mar chaonna (caenda) fhionn mhaoth mhona (find maeth mona).

XXXIV.

Aithne ar dho (do) bharr ag bandail (cun banail),
Anall tar faithche fhainn fheoir,
Gluaisid cuirn do chuil chlann uir,
Mhall (mall) shuil nguirm n-uir (uir) dha haindeoin.

XXIX.

Draughts of thy ale bind me;
What delight does not thy delight repel!
Fatigue in quaffing it I feel not;
Merrier it is than the cold ale of Fingal.[9]

XXX.

To advance into thy house to banquet,
Men of the Fiann, O King, are at hand,
Fair goblets are under thy clear cool ale,
As the blaze of blue coals is ascending.

XXXI.

O Raghnall, O King of Coll,
All things in thy fair ship thou 'lt find;
Which to the host has the winding sea brought—
The thin cold wine of the swans.

XXXII.

Generous the band in distributing stock;
Better this than to deal it niggardly;
Hardy the men for fighting—
The man-dogs of the pack of fair Godfrey.

XXXIII.

Take a company elegantly clothed
With thee, from the great plains.
May the wind blow over thy topmasts
Gently, as the rustling of soft white moor-grass.

XXXIV.

The women will admire thy head,
As thou comest past the prone-grassed green;
Before the rustling of thy youthful locks
The soft blue eye will unwillingly move.

XXXV.

Dorad (dorat) daoibh (daibh) snuadh ar shambchnaibh,
Ag ad (acat) shluagh a shaoir shochraig,
Leaga corn ur re a n-aighthibh (n-aighthibh),
Aithghin shul ngorm o n-Gofraidh.

XXXVI.

Do rosg (rosc) mar bhogha an (in) bharraidh (barraid),
Ag tocht tar rogha an (in) rinn fheoir,
Cosmhail blath do chuil choimmoir,
Re snath bronnoir uir dhinneoin.

XXXVII.

Ni tearc a craobh ur eadtrom (etrom),
Searc (serc) dhod (dot) chul shaor mar seadbharr (sedbharr);
Ni tug (tuc) bean (ben) ead (et) ar thogbhonn (tocbonn),
A gheag (gheg) brogdhonn (broccdhonn) gheal gheagmhar (ghegmhar).

XXXVIII.

A ghoill do gleire an (in) bhrogha (brogha),
Mar teidhe (theighi) tar moing mhara,
Ruisg chuanda (cuanna) a cuirr na heala,
Buinn gheala gruadha glana.

XXXIX.

Camdhlaoi ar chaoin (camdlaidarchain) do dhonnbhairr (donnbharr),
A i (hi) Amhlaoibh shaoir sheangdhuinn,
Red laochlaimh reidh a Raghnaill,
Samhlaim eill maothbhain meamruim.

XL.

Samlaim do li is li an chubhair,
A Raghnaill as ri ar Eamhain (Emain),
Realta (relta) ghlas mall fad (fat) mhalaigh,
Samail bharr na n-gas n-geamhair (ngedhair).

XXXV.

The choicest of hues on happy limbs
Is with thy army, O noble, honest chief;
As the sounding of full trumpets before their faces,
Is the glance of the blue eye of Godfrey's heir.

XXXVI.

Thine eye is like the modest hyacinth
Peeping through the surface of the pointed grass;
The hue of thy flowing locks is like
Fresh thread of gold from the anvil (or furnace).

XXXVII.

Not scarce, a fresh, light branch,
Is love for thy glorious gem-like locks;
No woman has been without jealousy regarding thee,
Thou brown-white mighty scion of a great branch.

XXXVIII.

O Gall of the choicest of the Brugh,
As thou goest across the surface of the sea;
Bright are thine eyes, thou of the swan-like neck,
The white feet and the clear cheeks.

XXXIX.

On thy brown head is a twisted tress,
Thou descendant of the noble, slender-brown Amhlaibh;[10]
To thy soft hero-hand, O Raghnall,
I compare a strip of soft white parchment.

XL.

Thy colour I compare to the hue of foam,
O Raghnall, who art king over Emain;
Under thy brows are slow blue stars
Like to the tops of blades of corn-grass.

XLI.

Maith thinneall chuil (tindell cuili) is cheibhe,
Ar a silleann (sillenn) suil uaine,
Gris chaomh ar ccar (char) a smaile,
Aille thaobh nglan do ghruaidhe.

XLII.

Taobh gruaidhe uir dho ionnlais,
Craobh uaine ad (at) shuil mar shamfhrais,
Ar fhraoch thfuilt (hfhuilt) a i (hi) Fhearghais (Fherghais),
Do earmais (ermais) gaoth (gaeth) phuirt Parrthais.

XLIII.

A fhir na greadha gile,
A fhir na heala duibhe,
Garbh shaithe agus min mheile,
Sgin (scin) eimhe blaithe buidhe.

XLIV.

Tugais (tucais) ruaig mhadhma ar Maoilbheirn,
Is badhbha uaid na hurdhuirn,
Iomdha a n-glinn fir faonmhaidhm,
A (o) shaorbhaidhbh ghil shing shul ghuirm.

XLV.

A i (hi) Chuinn, a i (hi) Chormaic,
Gus an luing na luing raidhbhric,
Sgaoi (scai) do chreich ar each (ereach) ionnraic,
Do iomlait neach eich aimhghlic.

XLVI.

Olc dhuinn (dhunn) gan an (in) ghlais (glais) ghaibhnionn (ngaibhnenn),
Anocht ga chul (cul) tais tiormfhann (tirmfhann),
Olc dhunn (dhun) gan an dubh soighleann,
Ar sgur goirmsheang ur Fhionnghall.

XLI.

Good is thy arrangement of tresses and locks,
On which a blue eye looks;
With noble ardour is inflamed
The bright surface of thy cheek.

XLII.

Thy fair fresh cheek thou hast bathed;
In thine eye is a blue beam soft as summer showers;
Over the locks of thy hair, O descendant of Fergus,[11]
The wind of Paradise has breathed.

XLIII.

O man of the white steed;
O man of the black swan,
The fierce band and the gentle mood,
The sharp blade and the lasting fame.

XLIV.

Thou hast inflicted a rout-defeat on Maelbheirn;[12]
Fierce on thy part were the heavy blows;
Numerous are the men dispersed in the glen,
O (from the) noble bright slender blue-eyed hero.

XLV.

Descendant of Conn, and descendant of Cormac
Thou with the speckled ship of ships;
Pursue thy raids on a worthy steed;
For a foolish steed carries one astray.

XLVI.

Evil for us that the Glas-Gaibhnionn[13]
Is not now in her soft dry sloping corner;
Evil for us that the Dubh-Soinglenn[14]
Is not now in the brilliant stud of Fingal.

XLVII.

Mo chuairt thall tuillmheach dhamhsa,
A bharr suairc druimneach donnso,
Do guala a ri saor seaghsa,
Leamsa ar don i 'sa n-orsa (hi san orrsa).

XLVIII.

Ar n-dol damhsa od dheaghthoigh (ot degh thoigh),
Mhalmsa ni halmsa dochraig,
Measa an teagh riogh dha (da) rachair,
Marthain ag siol geal Ghofraidh.

XLIX.

A mheic Gofraidh ghuirt Mhuile,
Do ghuirt gonfaidh ar n-aire,
Tain go trachtaibh do thighe,
Biri o thraigh mbarc ghloin m-baile
Baile Suthain.

Notes.

[1] Lugh mac Ethlenn, for whom see O'Curry's *Lectures*, p. 388.

[2] Reginald, son of Godred, Norwegian King of Man and the Isles from 1188 to 1226.

[3] The Lia Fal at Tara, which sounded at the tread of the rightful heir to the throne. See O'Curry's *Lectures*, p. 388.

[4] Manannan Mac Lir, one of the Tuath De Danann. He is connected by tradition with Emhain Abhlach, or Emain of the apples, which is explained to mean the Island of Arran. See *Four Ancient Books of Wales*, vol. i. p. 78.

[5] Gailian, a rude form of the name of the Gaileon in Leinster, one of the three tribes of the Firbolg.

[6] Domhnan, another of the three tribes of the Firbolg.

[7] This was Godred Crovan, called in the Irish Annals Gofraidh Meranach, the founder of the Norwegian kingdom of Man and the Isles, and ancestor of Reginald.

[8] This line alludes to Reginald, son of Somerled, who ruled over part of the Isles from 1164 to 1204, and who was supposed to be descended, through Colla Uais, from Conn of the Hundred Battles, one of the traditionary kings of Ireland.

XLVII.

Profitable to me was my visit yonder,
O joyous, diademed, brown head;
Thy shoulder, O noble king of Seghais
Were to me equal to this gold.

XLVIII.

On my going from thy good house,
My alms were not pitiful alms;
No better king's house canst thou go to;
Long life to the bright race of Godfrey.

XLIX.

O son of Godfrey of Mull's field
Our attention shall thy fields retain;
Spoils to the shores of thy house bear thou,
From the bright-barbed Traigh-bhaile.[15]

Notes.

[9] It is doubtful whether the Ossianic hero can be referred to here, or in St. 46. He never appears in Irish poetry under the form of Fionngall, but simply Fionn. Fionngall was a name applied to the Norwegians, and to the land they occupied. Hence the Lord of the Isles was called in poetry 'Ri Fhionngall,' from the Islands having belonged to the Norwegians.

[10] Olaf Bitling, grandfather of Reginald, son of Godred; but he was also grandfather of the other Reginald, whose mother was his daughter.

[11] Reginald, son of Somerled, was supposed to be descended from a certain Gofraidh, son of Fergus.

[12] Perhaps Morvaren.

[13] The celebrated Cow of Gaibhnen the Smith. See *Annals of Four Masters*, note to A.M. 3330.

[14] One of Cuchulain's horses.

[15] Dundalk strand.

III.

THE DESCRIPTION OF THE ISLES OF SCOTLAND.[1]

THE haill Iles of Scotland were devidit in four pairts of auld, viz. Lewis, Sky, Mule, and Yla, and the remanent haill Iles were reknit but as pertinents and pendicles of the said four Iles, and were devidit amangis thir four Iles and annext thairto in this manner. First to the Ile of Lewis wes annext the Iles of Wist, Barra, Harragis, Ronalewis, Pabla in Harreik, Helsker, Collismown, and Iit.

To the Ile of Sky were annext Raarsa, Eg, Romb, Canna, Ellan na muck, and Scalpa.

Perteining to the Ile of Mule were Lismoir, Tuahannais, Ulloway, Commatra, Inschkennycht, Sanct Colmisinche *alias* Colmkill, Tireich, and Coll.

And to the fourth Ile of Yla wes conjoynit the Iles of Dewra *alias* Jura, Colonsa, Geiga, Rauchlyne, Seillonyng, Scarba.

But now thir Iles are becum under sundrie mens dominions, quhairthrow thai answer not to the saids four principall Iles, yit thai keip the lawis and uses of the samine for the maist pairt, and speciallie of thair yeirlie dewties, as heireftir shall be declairit. Be thir Iles foirsaids thair is mony small Ilands and Inches in Scotland, quhairof the names are not publist, nor yit in reputation, but worthie of habitation or descryving, quhairthrow we omitt the samyn quhill thai be better inhabite and esteimit of.

Thair is also ane Ness passand southwest fra the lands of Ardmwrche, quhilk Ness is called Romwrche (Point of Ardnamurchan), and divides thir haill Iles in twa; viz. in South and North Iles, viz. the Iles of Yla and Mule with thair saids pertinents, lyand fra the said Ness to the south, and the Iles of Lewis and Sky to the north.

The first Ile callit Lewis is conjoynit with Harreik, but the sea cummis almaist betwix thame, saifand ane small grip of the lenth of twa or thrie pair of buttis, quhilk narrow grip is haldin the march betwix the Iles of Lewis and Herreis. They are baith 40 miles of lenth, quhairof Lewis is 32 miles, and Herreis 8 miles. The pairt of this Ile that is callit Lewis perteins to McCloyd Lewis. His kin are callit Clan Leod, *alias* callit Sheill Torquill, that is, the offspring of that man namet Torquill. His principall place thair is callit the Castell of Steornoay, and he may raise on this pairt of this Ile callit Lewis 700 men with Rona, by thame that labours the ground, of the quhilkis nane are chairgit or permittit to gang to ony oisting or weiris in all the haill Iles, but are commandit to remane at hame to labour the ground.

This Ile of Lewis is very profitable and fertile alswell of corns as all kind of bestiall wild fowl and fishes, and speciallie of beir, sua that thair will grow commonlie 20, 18, or at the leist 16 bolls beir yeirlie eftir ilk bolls sawing. It is 40 lb. land of auld extent and payis yeirlie 18 score chalders of victuall, 58 score of ky, 32 score of wedderis, and ane great quantitie of fisches, pultrie, and quhyte plaiding by thair Cuidichies, that is, feisting thair master quhen he pleases to cum in the cuntrie, ilk ane thair nicht or twa nichtis about, according to thair land and labouring.

Thair is na great waters nor rivers in this Ile, but small schaule burnis quhairby the salmond and uther fishes swymming thairupon will appear twa pairt dry for fault of water to cover thame, and are slane with treis and bastonnis, and hes na uthir craft nor ingyne to slay thame. Thair is na woods in the Lewis, but ane great wildernes or forest callit Osirsdaill, quhairin is sustenit mony deir, thairfor it is pleasant hunting.

In this Ile thair is ane little Cove biggit in form of ane kirk, and is callit the Pygmies Kirk. It is sa little, that ane man may scairslie stand uprichtlie in it eftir he is gane in on his kneis. Thair is sum of the Pygmies banes thairinto as yit, of the quhilkis the thrie banes being measurit is not fullie twa inches lang.

The uther pairt of this Ile callit Harrayis perteins to McCloyd Harreis. His kin and surname is callit Sheall Tormoyd, that is,

the offspring of that man callit Tormoyd, and albeit this man McCloyd hes landis, as ye shall heir heireftir, and that his principall place callit Dunvegane be in the Ile of Sky, yit he is stylit be this Ile of Herreis. He may raise seven score of able men. This Ile of Herries is also fertile, commodious, and profitable in all sorts effeirand to the quantitie thairof as the Ile of Lewis. Thair is nather woods, great waters, nor rivers thairin, but small burnis as in the Ile of Lewis, and the people thairof as unskilfull in slaying of the fishes and salmond that cummis as thair neighbours are.

Thair is ane fair forrest called Otterisdaill in this Ile, quhairin is mony deer and thairthrow pleasand hunting, albeit it be but 20 merk land of auld extent. This Ile payis 3 bolls malt and 3 bolls meill for ilk day in the yeir, 40 mairtis and eight score wedderis, by customs, pultrie, meill, with oist silver.

The Ile of Wist is 40 miles of length, but of small breid, and the north pairt thairof perteins to ane clan callit Clandoneill, the south pairt thairof to Clan Ranald. The haill is reknit to be sevenscore merk land, quhairof the Clan Doneill hes threescore merk land, and the Clan Ranald fourscore merk land. The Clan Doneill on thair pairt thairof will raise 300 men, and the Clan Ranald on thair pairt thairof will raise 300 men. Thair is na woods nor great rivers in it, but thair is mony deir in it. Ilk merk land in this Ile payis 20 bolls victuall, by all uther customes, maills, and oist silver, quhairof thair is na certane rentall. The customes of this Ile are splendit, and payit at the Landslordis cumming to the Ile to his Cudicht.

The Ile of Barra perteins to McNeill Barra. His surname and kin are callit Clan Neill. His principall dwelling-place thair is callit Keissadull, quhilk is ane excellent strenth, for it standis on the seaside under ane great craig, sua that the craig cummis over it, and na passage to the place but be the sea, quhairof the entrie is narrow, but that ane scheip may pass throw, and within that entres is an round heavin and defence for schippis from all tempestis. This Ile is five miles of lenth or thairby, and is 20 lb. land, and may raise on this Ile, with four or five small Iles that he hes beside it, 200 gude men. Item, in this Ile is ane weill quhairin growis cockles, quhilk is at the fute of ane hill callit the Hill of Barra, twa mile fra the sea.

Rona[2] (Bernera) Lewis is ane Ile of four mile long perteining to McCloyd Lewis, and it is 80 merk land. It payis 120 bolls victuall yeirly by all uther customes and maillis. It is verie fertile of corns and store of gudes and quhyte fisches, but saltis na fisches, but eittis thair staiking and castis the rest on the land, and will raise 60 men.

Pabba is ane little Ile ane mile lang. It perteins to McCloyd Hereik, and albeit it be but twa merk land, it payis yeirlie 60 bollis victuall, and will raise 40 gude men to the weiris. Bernera[3] (Rona) is ane uther little Ile of the lyk quantitie and payment, perteining to McCloyd Hereik.

Helsker is ane gude, commodious, and fertile Ile, alsweill of gudes as of corns; for albeit it be but ane mile lang and ane merk land of auld extent, it payis yeirlie to the monasterie of Colmkill, to quhom it apperteins, 60 bollis victuall by uther customes. It is possesst evir by ane gentill man of the Clandonald. Thair is nather moss nor woods in this Ile, but all manurit arable land. It will raise 20 or 24 men.

Colsmon is but ane little Ile of ane quarter mile lang and als mekell breid, quhairin is na inhabite nor manurit land, but lyes waist. Mony fisches resortis and hantis thairto and generis within the same; and the principall man of the north end of Wyist, wha is ane of the Clandoneill (as said is), passes with ane number of men in cumpanie anes in the yeir to this Ile, and slayis and takis sa many as they please of the selches, and careyis away with thame.

Irt (St. Kilda) is ane little Ile of ane mile lang, perteining to McCloyd Hereik. It is maist fertile of scheip and foullis, quhairof it payis ane great matter yeirlie to the said McCloyd and his factors. And albeit thay use na pleuchis, but delvis thair corn land with spaiddis, yet thai pay yeirlie 60 bollis victuall. Thair is na horse nor meiris in this Ile, and but few nolt to the number of 60 or thairby. Thair cummis na men furth of this Ile to oisting or weiris, becaus they are but a poor barbarous people unexpert that dwellis in it, useand na kind of wappinis; but thair daylie exercitation is maist in delving and labouring the ground, taking of foullis and gaddering thair eggis, quhairon thay leif for the maist pairt of thair fude. Thay make na labour to obtene or slay ony fisches, but gadderis sum in the craigis, albeit thai

micht have abundance thairof utherwayis gif thai wald ony way make labour thairfore. Anes in the yeir ane Priest or Minister cummis to thame and baptizes all the bairnis born amangis thame sin his last being thair, and celebrattis marriage to the parteis desyrand, and makes sic uther ministration of the sacraments to thame as he thinkis gude, and gifis thame sic directiounis as he wills thame to use and keip for ane yeir thairefter, and gadderis payment of thair teinds (quhilk thai pay maist thankfullie and justlie of ony people), and departs quhill the next yeir agane. In all times thai sustenit ane auld priest or clerk continuallie amangis thame, to shaw and tell to thame the halie dayis to be keipit in the yeir.

The Ile of Sky is ane Ile 40 mile lang and alsmuckle of breid. swa that it is almaist round. It perteinit all haill in auld times to McConneill, but now be his disposition thair is divers heritors of sundrie pairts thairof, the maist thereof extending to 80 merk land lyand almaist in the middis of the Ile caleit Trouternes, and 30 merk land lyand at the south pairt of the Ile quhilk is caleit Slait. It pertenis to Scheall Hutcheoun, that is to say, the offspring of that man callit Hutcheoun, but his principall surname is Clandoneill.

Trouternes payis yeirlie ilk merk land thairof twa bollis meill, twa bollis malt, four mairtis, 16 wedderis, 16 dozen of pultrie, twa merks by the auld maills and utheris dewteis accustomat. Thair was ane castell in Trouternes callit Duncolmen, quhairof the wallis standis yit.

Slait is occupiet for the maist pairt be gentlemen, thairfore it payis but the auld deuteis, that is, of victuall, buttir, cheis, wyne, aill, and aquavite, samekle as thair maister may be able to spend being ane nicht (albeit he were 600 men in companie) on ilk merk land. There is twa strenthie castells in Slait, the ane callit Castell Chammes, the uther Dunskeith. Trouternes will raise 500 men, and Slait 700 men. Ane pairt of this Ile of Sky callit Strathvardeill pertenis to ane Laird callit McKynvin, given to him be McConneill for to be judge and decide all questionnis and debaitts that happenis to fall betwin pairties throw playing at cairtis or dyce or sic uther pastime, and will raise aucht score men. McKynvin hes a castell thair callit Dewnakin. McCloyd Lewis hes 20 merk land in this Ile callit Watternes,

quhairon he will raise 200 men. McCloyd Herreis hes three cuntries in this Ile, the first callit Durenes quhilk is 28 merk land, and will raise twelf score men, quhairin he hes ane strenthie dwelling place. The second callit Bracadale, quhilk is 16 merk land, and will raise sevin score men. Thair is mony woods in all pairtis of this Ile of Sky, speciallie birkis and orne; but the maist wood is in Slait and Trouternes. Thair is ane wood in Slait, of aucht mile of lenth, with mony deer and rae, and it is verie fertile, with all kinds of bestiall and corns. Thair is great plentie of salmond and hering tane in this Ile. Thair is mony lochis in this Ile, and speciallie in Strathvardill, quhilk is callit Loch Slepan, Loch na Neist, and Loch na Daill. Betwixt Trouternes and Strathtodill lyes ane loch callit Loch Sleggasthe.

Raarsa is ane Ile of five mile lang and thrie mile braid, perteining to the Bischop of the Iles; but it is occupiet and possest be ane gentleman of McCloyd Lewis kin, callit Gillechallum Raarsa. His offspring bruikis the same yit, and are callit Clan Gillehallum of Raarsa. He hes ane strange little castell in this Ile, biggit on the heid of ane heich craig, and is callit Prokill. It is but 8 merk land, and will raise 80 men. It payis yeirlie to the bischop 16 merks, but to the capitaine thairof it payis of sundrie tributes better nor 500 merks. Thair is na woods, but great heich craigis in this Ile. It is commodious for corn and all kinds of bestiall, and chieflie horses.

Eg is ane Ile verie fertile and commodious baith for all kind of bestiall and corns, speciallie aittis, for eftir everie boll of aittis sawing in the same ony yeir will grow 10 or 12 bollis agane. It is 30 merk land, and it perteins to the Clan Rannald, and will raise 60 men to the weiris. It is five mile lang and three mile braid. Thair is mony coves under the earth in this Ile, quhilk the cuntrie folks uses as strenthis hiding thame and thair geir thairintill; quhairthrow it hapenit that in March, anno 1577, weiris and inmitie betwix the said Clan Renald and McCloyd Herreik, the people with ane callit Angus John McMudzartsonne, their capitane, fled to ane of the saidis coves, taking with thame thair wives, bairnis, and geir, quhairof McCloyd Herreik being advertisit landit with ane great armie in the said Ile, and came to the cove and pat fire thairto, and smorit the haill people thairin to the number of 395 persones, men, wyfe, and bairnis.

Romb is ane Ile of small profit, except that it conteins mony deir, and for sustentation thairof the same is permittit unlabourit, except twa townis. It is thrie miles of lenth, and alsmekle of breid, and all hillis and waist glennis, and commodious only for hunting of deir. It perteinis heretablie to ane Barron callit the Laird of Challow (Coll), quha is of McClanes kin, but is possest and in the handis of Clan-Rannald. It is ten merk land, and will raise 6 or 7 men.

Canna. This Ile is gude baith for corn and all kind of bestiall. It perteins to the Bischop of the Iles, but the said Clan-Rannald hes it in possessioun. It is thrie mile lang and ane braid. It is six merk land and will raise 20 men. In this Ile is ane heich craig callit Corignan weill braid on the heicht thairof, and but ane strait passage, that men may scairslie climb to the heid of the craig, and quhan the cuntrie is invadit the people gadderis thair wives and geir to the heid of the craig and defend thame selfis utherwayis the best thay may, and will not pass to the craig, because it may not be lang keepit onlie for fault of water.

Ellan na Muk is but ane little Ile of ane mile lang and half mile braid. It perteins also to the foirsaid Bischop, and is possesst be the Laird of Ardinmwrthe callit Maken. It is four merk land, and payis to the said Laird and his factors aucht score bollis victuall, quhairof four score to the Bischop and four score to the Laird. It will raise to the weiris 16 able men.

Scalpa is four merk land perteining heritablie to McClane, gevin to him be McConneill. It is thrie mile lang, twa mile braid, mair fertile and commodious for deir and hunting nor it is ather for corns or store. It will raise 20 men.

Mule. This Ile is 24 mile of lenth and in sum pairtis 16 mile braid, and in uther pairtis thairof but 12 mile braid. It is all 300 merk land, and will raise 900 men to the weiris. McClane Doward, callit Great McClane, hes the maist pairt thairof, extending to aucht score merk land and ten, and will raise on it with the pairt he hes of the Bischop 600 men thairupon. McClane of Lochbuy hes thriescore merk land, and will raise 200 men thairon. The Bischop hes 30 merk land thair, but McClane Doward hes it in his possession occupiet be his kin. The Laird of McKynvin hes 20 merk land, and the uthir 20

merk land pertenis to the Laird of Schellow (Coll) but thay will raise 100 thairon. Thair is mony woods and saltwater lochis in this Ile, and it is verie plentifull of all kind of fisches, speciallie hering and salmond. It is na less commodious for guides and store nor ony of the remanent Iles; but not sa gude for cornes. In everie pairt thairof are mony deiris, raes, and wild foullis. McClane of Doward hes twa castellis in this Ile, the ane named Doward, the uther callit Aross, quhilk sumtime perteinit to McConneill. McClane of Lochbuy hes ane castell thairintill callit the Castell of Lochinbuy. Ilk merkland in this Ile payis yeirlie 5 bollis beir, 8 bollis meill, 20 stanes of cheese, 4 stanes of buttir, 4 mairtis, 8 wedderis, twa merk of silver, and twa dozen of pultrie, by Cuddiche, quhanevir thair master cummis to thame.

Lismoir is ane Ile of aucht mile lang lairge, and twa mile breid. It is 80 merk land of auld, and pertenit sumtime to McConneill, but now to my Lord Argile the twa pairt thairof, and the third pairt thairof to the Laird of Glenurquhir. McCowle of Lorn hes the stewardship of the haill Ile and manrent thairof, and will raise thairon to ony weir 100 men. It is very fertile for all kind of corns and speciallie for beir, and will grow alsmekle eftir ane boll sawing as in the Lewis or ony pairt thair with less gudeing or labour; for in mony pairtis thairof are great mosses, and thay will cast ane fowssie or stank throw the ane pairt of the moss, quhairby the water may easier pass away, and teillis syne the remanent of the moss, sa far at the leist as becumis dry be vertue of the fowssie castin, and takis it that thai cast out of the fowssie and guidis the teillit earth thairwith, and thairon will grow the best beir in the Iles, of sic quantitie that I think shame to write it, albeit that I have honest authors to affirm the same. It is plane land without ony woodis or hillis, but all manurit land and moss. It is commodious also for nolt and horses, but best for cornes. It is gude for saltwater fisches, and na uther. It has na set rentall of dewtie, because it is everie yeir alterit or set. Thair is twa castellis thairin upon the pairt perteining to my Lord Argile, ane callit Dunnagaill, but it is not mantenit, albeit it wes of auld ane great strenth for saltwater fisches, ane uther callit the castell of Auchindewne, upon the west side thairof anent the Mule, quhilk wes biggit be

ane Bischop of the Iles. On the uther Laird Glenurquhirts pairt thairof wes ane auld castill callit Bealwothar, but is not mantenit.

The twa Iles callit the Hwnayis, the ane thairof and maist pertenis to ane kinsman of the said McCoule of Lorn. It is twa mile lang and ane braid, ane plane land but ony hills, but all arable land, moss and birkin wood, quhairthrow it is onlie gude for corn, nolt, and horse; it is 8 merk land. The uther pertenis to John Stewart of Hoping (Appin); it is ane mile lang and half mile braid; it is four merk land. The said John Stewart hes it all under maynes, and quhan he settis the same it payis six score bollis victuall, by all uther dewties. Baith thir Iles will raise three score men.

Ulloway is ane Ile twa mile lang, ane mile braid. It is twelf merk land perteining to McCower (McQuarrie). It is plane land but ony hillis or woodis, and will raise thrie score men. Ilk merk land payis conform to the Ile of Mule.

Coamatra is ane Ile of ane mile lang conteinand but twa towns. It is four merk land, and pertenis to McClane of Dowart; it is plane, fair, and verie commodious for corns and catell of sa mekle. It payis yeirlie as Mule payis. It will raise 16 or 20 men.

Inschenycht (Inchkenneth) is ane Ile perteining to the said McClane, of a lyke lenth, halding payment and commodities in all sortis as the said Ile of Coamatra.

Sanct Colms Inche (Iona) is ane Ile ane mile lang, large half mile braid, but is 30 merk land. In this Ile is the Bischop of the Iles principall dwelling places. Thair is twa religious places—ane thairof for monkis, ane uther for nunnes. In this Ile is the sepulchre of all the kingis of Scotland of auld. It is verie commodious for corns and catell, but na woodis nor mosses, quhairthrow thai are scant of fire, but that that cummis to thame furth of other Iles be sea. In this are all the Gentlemen of the Iles buryit as yit.

Collow (Coll) is ane Ile of 12 mile of lenth, 4 or 6 mile of breid in sum pairtis thairof. It is 30 merk land, and pertenis to the Laird of Collow, quhairin he hes ane castell callit Brekauche, quhilk is ane great strenth be reason of the situation thairof verie neir to the sea, quhilk defendis the half thairof, and

hes three walls about the rest of the castell and thairof biggit with lyme and stane, with sundrie gude devises for defending of the tower. Ane uther wall about that, within the quhilk schippis and boittis are drawin and salvit. And the third and the uttermost wall of tymber and earth, within the quhilk the haill gudes of the cuntrie are keipit in tyme of troublis or weiris. It is very fertile alsweill of corns as of all kind of catell. Thair is sum little birkin woodis within the said Ile. Ilk merk land payis yeirlie as is declarit of the Ile of Mule, and will raise seven score men.

Tierhie (Tiree) is ane Ile of aucht mile of lenth, and in sum pairtis but thrie mile braid, and at the braidest is six mile braid. But it is commodious and fertile of corns and store of gudes. It is 140 merk land, and will raise to the weiris 300 men. It pertenis to great McClane of Doward, gevin to him be McConneill. It was callit in all tymes McConnells girnell; for it is all teillit land, and na girs but ley land, quhilk is maist nurischand girs of ony other, quhairthrow the ky of this Ile abundis sa of milk that thai are milkit four times in the day. The yeirlie dewtie thairof is sa great of victuall, buttir, cheis, mairtis, wedderis, and other customes, that it is uncertain to the inhabitants thairof quhat, thai should pay, but obeyis and payis quhatevir is cravet be thair maister for thair haill deuties, only to tak sa mony firlotts as micht stand side be side round about the haill Ile full of victuall, half meill, half beir, and it wes refuseit.

Ila is ane Ile of 24 mile lang and twenty mile braid. It is 18 score merk land, and will raise 800 men. McClane of Doward hes the half thairof, and the other half pertenis to ane of the Clan Donald cum of McConneills house. This Ile is plenteous of woodis, quhairin are mony deir, raes, and wild foullis. It is also commodious for all kinds of fisches, and speciallie salmond, be reason of diverse rivers rynnand throw the same, quhairin swymes not only mony salmond, but in all the small burnis of this Ile are multipill of salmond and other fisches. McClane hes ane strenthie castell thairin, quhilk standis in ane niche within ane fresche-water loch callit Lochgormen; the uther castell pertenis to the Claud-donald, it is callit Downerie. Ilk merk land in this Ile payis yeirlie three mairtis and ane half, 14 wedderis, 2 geis, 4 dozen and 8 pultrie, 5 bollis malt with ane peck to

ilk boll, 6 bollis meill, 20 stane of cheis, and twa merk of silver. And ilk merk land man sustein daylie and yeirlie ane gentleman in meit and claith, quhilk dois na labour, but is haldin as ane of their maisters household men, and man be sustenit and furneisit in all necessaries be the tennent, and he man be reddie to his maisters service and advis. Ilk town in this Ile is twa merk land and ane half, and payis yeirlie of Gersum at Beltane four ky with calf, four zowis with lamb, four geis, nine hennis, and 10s. of silver.

Jura, *alias* Deura, is 24 mile lang, and 8 mile braid quhair it is braidest. It is 30 merk land. The half pairt thairof pertenis to the said McClane, and the uther half to the Clan Donald. The haill will raise, with the Ile of Scarba (quhilk is baith but ane parochin), 100 men. Sa mekle as is labourit and teillit of this Ile is excellent land, and verie fertile for corns; but it is for the maist pairt wildernes and woodis, quhairin is mony deir, raes, and other wild beistis, quhairthrow thair is better hunting in this Ile nor ony of the rest. Sa mekle labourit land as is in this Ile, it payis alike to Ila of dewties.

Collonsa and Orandsay are baith ane Ile, except that the full sea of the flwde flowis in betwix thame. Collonsa is 18 mile of lenth and five mile braid. It is 30 merk land, and pertenis to the Laird thairof callit Makasie (Macduffy), ane dependar on the Clan Donald. Orandsay is but ane mile of lenth, and alsmekle of breid. It is 4 merk land, quhairin is but ane town, quhilk is an abbay place dedicat to St. Columb, it pertenis to the Bischop of the Iles. Thir twa Iles will raise 100 men, and payis according to the Ile of Ila. Na woodis nor wildernes is in thir Isles, but all teillit land.

Seill is ane Ile of 5 mile lang, thrie mile braid, and is threescore merk land. It pertenis to the Earle of Argile, and will raise thairon six score men. It is all plane manurit land, but ony wildernes or woodis, quhairby it is verie fertile of store and corns and payis zeirlie conform as we have spoken before of the Ile of Lismoir.

Loyng is ane little Ile thrie mile lang, twa myle braid, and is fourty merk land. It pertens heritablie to my Lord Argile, but McClane Doward hes it of my Lord Argile for service. This Ile payis zeirlie of mairtis and ferme as Lismoir and Seill payis.

Scarba is ane Ile thrie mile lang and twa mile breid. It is

4 merk land, and pertenis to McClane of Lochbuy in heritage. It is all woodis and craigis, except twa tounis, and thairfore it is better for sustentation of bestiall nor for cornes. It payis zeirlie samekle as is labourit thairof, as the remanent Iles payis, and will raise 17 men.

Geiza (Gigha) is ane Ile of five mile lang, twa mile braid, and is 30 merk land; it pertenis to the Clan Donald. It is very plane, profitable, and fertile land for all kind of corns, but any woodis, hillis, or craigis; and ilk merkland thairof payis as Ila payis, except in mairtis and wedderis, because it is not gude for store. It will raise 100 men.

Rauchlynne is an Ile five mile lang, thrie or four mile braid: it is 30 merk land. It pertenis to the Clan Donald, and is but four mile of sea fra Irland. It is fair, fertile, and profitable baith for girs and corn, with sum grene hillis in it, and na woodis nor craigis. Thairfore thair zeirlie dewtie is conform to use and consuetude of Ireland, quhilk is to sustein ane number of men in meit and fie, and payis ane certane quantitie of all kind of thing that growis amangis thame anes in the yeir to thair maister, and sum taxations as thair maister happens to have ado, and may raise 100 men. Thair is ane auld castell, verie strenthie, callit the Auld Castell.

Thair is twa Iles that pertenis to thir saids four Iles named Arran and Boyd (Bute). Arran is 24 miles lang, 12 and 8 miles in sum pairtis braid, and is 300 merk land, perteining to my Lord Hamiltoun, quhairin is twa castells. Arran will raise 100 men. Boyd is aucht mile lang, four mile braid, quhairin stands ane great Burrowstown callit Rosa. It will raise 300 men, and is of na less commoditie and profit nor Arran.

Thir haill Iles abovewritten, gif thai were on ane end, are fourteen score and twelve mile of lenth and miles of breid. The common accustomat of raising of thair men is 6000 men, quhairof the 3d pairt extending to 2000 men aucht and sould be cled with attounes and haberchounis, and knapshal bannetts, as thair lawis beir. And in raising or furthbringing of thair men ony time of yeir to quhatsumevir cuntrie or weiris, na labourers of the ground are permittit to steir furth of the cuntrie quhatevir thair maister have ado, except only gentlemen quhilk labouris not, that the labour belonging to the teiling

of the ground and wynning of thair corns may not be left undone, albeit thai byde furth ane haill zeir, as ofttimes it happins quhen ony of thair particular Ilands hes to do with Irland or neighbours, that the haill cuntriemen bides furth watching thair enemies ane zeir, half ane zeir, or thairby, as thai please. Not the les the ground is not the war labourit, nor the occupiers thairof are nather molestit, requirit, troublit, nor permittit to gang furth of thair awin cuntrie and Ile quhair thay dwell.

Finis.

Notes.

[1] This description must have been written between 1577 and 1595, as the former date is mentioned in connection with the cruel slaughter of the inhabitants of Egg by the Macleods, and John Stewart of Appin, who died in 1595, is mentioned as alive at the time it was written. It has all the appearance of an official report, and was probably intended for the use of James the Sixth, who was then preparing to attempt the improvement of the Isles, and increase the royal revenue from them. See Gregory's *History of the Highlands and Islands*, ch. vi.

[2] The names of Rona and Bernera have been here misplaced. The larger island is obviously Bernera, and the smaller Rona.

IV.

On the AUTHENTICITY of the LETTERS PATENT said to have been granted by King WILLIAM THE LION to the EARL of MARR in 1171.[1]

THIS deed was first made known by the learned antiquary John Selden, who printed it in his 'Titles of Honor' (p. 700) to illustrate his remarks upon the title of Thane. It is in the form of letters patent, and not of a charter; and is addressed by William, King of Scots, to all bishops, earls, abbots, priors, barons, knights, thanes, and provosts, and all other good men of the whole land, as well cleric as laic. It then narrates that Morgund, son of Gillocher, formerly Earl of Marr, had come before the king at Hindhop Burnemuthe, in his new forest, on the tenth day of the calends of June, in the year of grace 1171, demanding his right to the whole earldom of Marr, before the common council and army of the kingdom of Scotland there assembled: that the king had caused inquisition to be made into his claim by several men worthy of credit, who were barons and thanes of his kingdom, and who found that Morgund was the lawful son and heir of the said Gillocher, Earl of Marr; upon which the king granted and restored to Morgund the whole earldom of Marr, in which his father Gillocher had died vest and seized, to be held by the said Morgund and his heirs of the king and his heirs in fee and heritage, with all pertinents, liberties, and rights, as freely, quietly, fully, and honourably as any other earl in the kingdom of Scotland; he and his heirs rendering to the king and his heirs the 'forinsecum servicium videlicet servicium Scoticanum,' as his ancestors had been wont to render to the king and his ancestors. Further, on the same day and at the same place, after doing homage before the common council of the kingdom, the said Morgund demanded that right should be done him for the whole earldom of Moray, in which Gillocher

his father had died vest and seized; upon which petition, inquisition having been made by several men worthy of credit, who were barons, knights, and thanes of the kingdom, they found that Morgund was the true and lawful heir of the earldom of Moray; and because at that time the king was engaged in the heavy war between him and the English, and the men of Moray could not be subjected to his will, he was unable to do justice to Morgund, he promised that, when he could terminate the war between him and his enemies, and subjugate the rebels of Moray, he would well and truly recognise the right of Morgund and his heirs to the earldom of Moray. And in order to certiorate to others this deed, the king gave these letters patent to the said Morgund. They then conclude with these words: 'Teste meipso eodem anno die et loco supradicto.' This is undoubtedly a very remarkable production, if genuine; and Selden adds: 'I have it writ in parchment in a hand of the time wherein it is dated, but without any seal to it.' It is referred to by Lord Hailes in his additional case for the Countess of Sutherland, without any doubt being expressed as to its authenticity; and no suspicion seems to have attached to it till the late George Chalmers assailed it in 1819 in a paper printed in the nineteenth volume of the 'Archæologia' (p. 241). In this paper he proposes to show that this document is supposititious. He states his objections to it under nine heads, and concludes that Selden had been imposed upon with a spurious deed. His first objection relates to the orthography of the document; the second to the formula of the address; the third to the history of the earldom; the fourth to the minuteness of the date; the fifth to the reserved services; the sixth to the claim to the earldom of Moray; the seventh to the allusion to the war with England; the eighth to the form of letters patent; and the ninth to the words 'teste meipso,' which is peculiar to letters patent as distinguished from charters, which at this period invariably have a list of witnesses. The form 'teste meipso' first occurs, he says, in 1190.

Professor Cosmo Innes, in his preface to the first volume of the 'Acts of Parliament,' alludes to this document, 'the authenticity of which,' he says, 'however, is very doubtful:' and he prints it in a note with the following remarks: 'Selden's authority is not lightly to be rejected; and some of the reasons

against the genuineness of this charter, urged by the late Mr. Chalmers in a paper in the "Archæologia," founded on the spelling, etc., are of no weight. But it is open to serious objections, whether we consider the narrative or the occasion, and the time and place of its granting and the manner of testing. For instance, it is almost certain that in 1171 there was no war with England. On the other hand, it is difficult to devise a motive for inventing such a document. If it should be considered a very early forgery it is scarcely less important than if admitted to be genuine' (p. 13). Professor Innes's authority on such a question is of course very great; and not less so is that of the late Dr. Joseph Robertson. He says, in the 'Antiquities of the Shires of Aberdeen and Banff,' vol. iv. p. 691, that 'Earl Morgund is said to have been the son of Gillocher, Earl of Marr. But this rests only on the letters patent of King William the Lion, first printed by Selden, which I think it is impossible to receive as authentic. The facts which they set forth may perhaps be true in part, but as a whole I don't see how they are to be reconciled with what is elsewhere recorded on undoubted authority. Nor do I think that the letters can be successfully defended from the objections to them on other grounds—such as their style, the time and place of granting, and the manner of testing. I must, therefore, believe them to be spurious. It is obvious, at the same time, that they were forged at an early period. The learned and accurate Selden thought them to be in a hand of the time, and they seem to be alluded to in the year 1291. They may have been forged at that time, or more probably during the contests for the earldom of Marr between the earl in possession and Thomas Durward before 1228, and between Earl William and Alan Durward in 1257. These contests supply what seems to have been thought wanting—"a motive for inventing such a document."'

In the main I concur with the opinions of the late Professor Innes and Dr. Joseph Robertson, and especially with that of the latter, which shows his usual acuteness and sagacity. I consider that the first and second objections made by Chalmers have no weight. With regard to the third, which is that the deed is inconsistent with the known history of the earldom, there is good reason for thinking that some such transaction really took place:

for Sir Francis Palgrave prints, in his 'Documents and Records relating to the Affairs of Scotland,' preserved in the Treasury of Her Majesty's Exchequer, an appeal prepared in the name of the seven earls of Scotland, and of the community of the realm, to Edward the First of England, which concludes with the following memorandum: 'That when William, King of Scotland, restored to Morgund, son of Gyloclery, the predecessor of the Lord Dovenald, Earl of Marr, this earldom of Marr, according as the same is contained in a writing which Dovenald, Earl of Marr, possesses, there was wanting then to the said Morgund, and there is still wanting to the earl, three hundred pound land, partly in domain and partly in holdings and more, for which he claims that right should be done him' (Palgrave, p. 21). The writing here referred to seems to have been this very deed. The fourth and fifth objections have also no weight. Hindhop Burnemuthe is a hamlet on the coast about five or six miles south of Berwick, and there is no improbability in there having been a royal forest there while Northumberland belonged to the Scottish king. With regard to the sixth objection, that the Earl of Marr could have no claim to the earldom of Moray, the documents printed by Sir Francis Palgrave, in connection with the competition for the crown, do show that the Earl at that time did claim to represent the earldom of Moray; for in the same document Dovenald, Earl of Marr, appeals in name of himself as one of the seven earls of Scotland, and *in name of the freemen of Moray*, and the other relations, connections, and friends of the said Earl. But while I reject all these grounds of objection as not conclusive, I am obliged to admit that the seventh objection, which relates to the allusion to the war with England, and to insurrection in Moray, is fatal to the authenticity of the deed. The war with England did not commence till two years afterwards, in 1173; and the insurrection in Moray broke out after the captivity of the king in 1174, and Moray continued in a state of rebellion from that year till 1181. But during the first eight years of King William's reign he was at peace with England, and there was no appearance of the royal authority not having been recognised in Moray. Unfortunately it is during this period that the supposed letters patent are dated. Then as to the last two objections, which relate to the form of the deed as letters patent,

and form of the testing, 'teste meipso,' there is no instance, so far as I am aware, of this form being used at as early a period as the reign of William the Lion.

It is somewhat remarkable, that while these distinguished antiquaries were discussing the question of the authenticity of the letters patent as printed by Selden, it seems never to have occurred to any of them to endeavour to ascertain what became of the original, which Selden said he possessed, and whether it might not be recovered. Selden left his papers to Sir Matthew Hale, and Hale left his to the benchers of Lincoln's Inn, by whom they were deposited in their library. The search was therefore not a difficult one, and on examining these papers the so-called original was at once found, which I have had photographed by the autotype process. It is undoubtedly a very old document, but not so old as the reign of King William the Lion. The handwriting is, I think, that of the early part of the reign of King Alexander the Third, and it must have existed prior to the document printed by Sir Francis Palgrave already quoted. In this reign, too, there are frequent specimens of deeds in the form of letters patent with the form of 'teste meipso.' Three of them are printed in the National MSS. of Scotland, Nos. 62, 63, and 64, and dated respectively in 1261, 1275, and 1282, and if the handwriting is compared it will be seen at once that this document belongs to the same period. The Earl of Marr at this time was William, grandson of Morgund by his son Duncan. He was one of the most powerful barons of Scotland at the time, and was chamberlain of Scotland in 1252. He was one of those who were removed from the administration of affairs in Scotland at the instance of King Henry the Third of England in 1255, being replaced, among others, by Alan Durward. He was recalled to the king's council in 1257, and took a leading part in Scotland till the year 1273, when he appears to have died. Now we find that in 1257 a question was raised between Alan Durward and William, Earl of Marr, as to the right of the latter to the earldom. A papal rescript issued in that year, directing an inquest to be held, proceeds on the narrative that 'Our beloved son the nobleman Alan called the Dorrward hath signified to us that, whereas the nobleman William of Marr of the diocese of Aber-

deen hath withheld the earldom of Marr of right belonging to the aforesaid Alan, and the same doth occupy to the prejudice of him the said Alan, and that Morgund and Duncan deceased, to whom the said William asserts his succession in the said earldom, were not begotten in lawful matrimony.' William, however, remained in possession, and certainly the production of a charter finding that Morgund was the lawful son and heir of his father, and containing a grant of the earldom to him and his heirs, would be most opportune in determining this question, and, if a genuine deed of this kind did not exist, probably the earl would neither have much difficulty nor much scruple in producing one that would pass muster. If the letters patent are a forgery, I think it must have been manufactured about this time, and I am not sure that we have far to seek for the forger. A charter by William, Earl of Marr, confirming a grant by his grandfather, Morgund, in 1267, is witnessed among others by 'Magistro Ricardo Veyrement.' This Master Richard Veyrement was one of the canons of St. Andrews, and I have shown in the introduction to Fordun's Chronicle that he is probably the author of a 'Historia' which existed in the Great Register of St. Andrews, now lost; and the veritable Veremundus, from whom Hector Boece says he derived a great part of his fabulous history. His connection with William, Earl of Marr, at this very time, and his witnessing a charter confirming a grant by that Morgund whose legitimacy was challenged, certainly leads to the suspicion that the clever manufacturer of these letters patent was no other than the arch-forger of the spurious history of Scotland, and that if he had not been unfortunate in the selection of his date, it might even now have escaped detection.

The following is the text of the document:—

Willielmus Rex Scotorum universis Episcopis Comitibus Abbatibus Prioribus Baronibus Militibus Thanis et Praepositis et omnibus aliis probis hominibus totius terrae suae tam clericis quam laicis salutem eternam in Domino: Sciatis presentes et futuri Morgundum filium Gillocheri quondam Comitis de Marre in mea præsentia venisse apud Hindhop Burnemuthe, in mea nova foresta decimo kalendarum Junij Anno Gratiæ MCLXXI. petendo jus suum de toto Comitatu de Marre, coram communi Consilio et exercitu Regni Scotiae ibidem congregato. Ego vero cupiens eidem Morgundo et omnibus aliis jura facere secun-

dum petitionem suam jus suum inquisivi per multos viros fide dignos, videlicet per baronias et thanos Regni mei per quam inquisitionem inveni dictum Morgundum filium et haeredem legitimum dicti Gillocheri Comitis de Marre per quod concessi et reddidi eidem Morgundo totum Comitatum de Marre tanquam jus suum hæreditarium sicut praedictus Gillocherus pater suus obiit vestitus et saisitus ; Tenendum et habendum eidem Morgundo et hæredibus suis de me et hæredibus meis in feodo et hæreditate cum omnibus pertinentis libertatibus et rectitudinibus suis adeo libere quiete plenarie et honorifice sicut aliquis Comes in Regno Scotiæ liberius quietius plenarius et honorificentius tenet vel possidet ; Faciendo inde ipse et hæredes sui mihi et haeredibus meis forinsecum servicium videlicet Servicium Scoticanum sicut antecessores sui mihi et antecessoribus meis facere consueverunt. Eodem vero die et loco post homagium suum mihi factum coram communi Consilio Regni mei prædictus Morgundus petiit sibi jus fieri de toto Comitatu Moraviae de quo praedictus Gillocherus pater suus obiit vestitus et saisitus super qua petitione sua per quamplures viros fide dignos Barones Milites et Thanos Regni mei inquisitionem facere feci et per illam inquisitionem inveni dictum Morgundum verum et legitimum hæredem de comitatu Moraviæ et quod eodem tempore propter guerram inter me et Anglicos graviter fuissem occupatus et Moravienses pro voluntate mea non potuissem justificare dicto Morgundo nullum jus facere potui. Sed cum guerram inter me et adversarios meos complere et rebelles Moravienses superare potero et dicto Morgundo sibi et hæredibus suis promitto pro me et haeredibus meis fideliter et plenarie jus facere de toto comitatu Moraviæ. Et ut hoc factum meum aliis certificaretur prædicto Morgundo has literas meas dedi Patentis. Teste me ipso eodem anno die et loco supra dicto.

NOTE.

[1] This paper was read to the Society of Antiquaries of Scotland on the 8th of April 1878, and appears in their *Proceedings* for that Session, p. 603. The photograph of the Letters Patent was deposited in their library.

V.

ON THE EARLDOM OF CAITHNESS.[1]

The earldom of Caithness was possessed for many generations by the Norwegian Earls of Orkney. They held the Islands of Orkney under the King of Norway according to Norwegian custom, by which the title of Jarl or Earl was a personal title. They held the earldom of Caithness under the King of Scotland, and its tenure was in accordance with the laws of Scotland.

We find from the Orkneyinga Saga that during this period the Orkney Islands were frequently divided into two portions, and each half held by different members of the Norwegian family, who each bore the title of earl. We likewise find that the earldom of Caithness was at such times also frequently divided, and each half held by different Earls of Orkney, though whether both bore the title of Earl of Caithness does not appear.

It is unnecessary for our purpose to go further back than the rule of Thorfinn, Earl of Orkney, who died about A.D. 1056, and undoubtedly held the whole of the Orkneys and the entire earldom of Caithness for a long period.

He had two sons, Paul and Erlend, who after his death ruled jointly without dividing the earldoms, and their descendants may be termed the line of Paul and the line of Erlend.

After their death the islands were divided between Hakon, son of Paul, and Magnus, son of Erlend, each bearing the title of earl. The latter was the great earl known as St. Magnus. After his death, Earl Hakon appears to have possessed the whole.

Earl Hakon had two sons, Harald Slettmali and Paul, who again divided the islands, each having an earl's title, but Earl Harald appears to have held the whole of Caithness from the King of Scots. On his death Earl Paul obtained possession of the whole.

In the meantime the line of Erlend failed in the male line, in the person of Earl Magnus, but his sister Gunhild married a

Norwegian called Kol, and had by him a son Kali, who claimed a share of the islands, when the King of Norway gave him the name of Rognwald, an earl's title, and divided the islands between him and Earl Paul.

Earl Paul's sister Margaret had married Maddad, Earl of Atholl, and had by him a son Harald, and, by a revolution which took place, Earl Paul abdicated, and his nephew Harald was made earl in his place, and shared the islands with Earl Rognwald. The latter then went on a pilgrimage to Jerusalem, and in his absence Malcolm IV. made Erlend Ungi, son of Harald Slettmali, Earl of Caithness, and gave him half of Caithness, Earl Harald Maddadson having the other half.

Earl Rognwald then returns, and on Erlend's death Orkney and Caithness were shared between him and Earl Harald.

The line of Erlend again failed on the death of Earl Rognwald, who left an only daughter Ingigerd, who married a Norwegian, Eirik Slagbrellir, and had three sons, Harald Ungi, Magnus Mangi, and Rognwald, and three daughters, Ingibiorg, Elin, and Ragnhild.

Earl Harald now possessed Orkney and Caithness, but soon after the King of Norway gave Harald Ungi an earl's title with the half of the Orkneys, and by agreement with Earl Harald, King William the Lion gave Harald Ungi the half of Caithness which had belonged to Earl Rognwald, but they afterwards quarrelled, and Earl Harald Ungi was slain by the other Earl Harald, who again possessed the whole.

Owing to the mutilation of the Bishop of Caithness by Earl Harald, he was attacked by King William in 1201, and only allowed to retain Caithness on payment of 2000 merks of silver, while the district of Sutherland was taken from him and given to Hugo Freskin de Moravia.

Earl Harald died in 1206, and was succeeded by his son David, who died in 1214, when his brother John became Earl of Orkney and Caithness. Fordun tells us that King William made a treaty of peace with him in that year, and took his daughter as a hostage, but the burning of Bishop Adam in 1222 brought King Alexander II. down upon Earl John, who was obliged to give up part of his lands into the hands of the king, which, however, he redeemed the following year by paying a large sum of

money, and by his death in 1231 the line of Paul again came to an end.

In 1232, we find Magnus, son of Gillebride, Earl of Angus, called Earl of Caithness, and the earldom remained in this family till between 1320 and 1329, when Magnus, Earl of Orkney and Caithness, died; but during this time it is clear that these earls only possessed one half of Caithness, and the other half appears in the possession of the De Moravia family, for Freskin, Lord of Duffus, who married Johanna, who possessed Strathnaver in her own right, and died before 1269, had two daughters, Mary married to Sir Reginald Cheyne, and Christian married to William de Fedrett, and each of these daughters had one-fourth part of Caithness, for William De Fedrett resigns his fourth to Sir Reginald Cheyne, who then appears in possession of one-half of Caithness (Chart. of Moray, Robertson's Index). These daughters probably inherited the half of Caithness through their mother Johanna.

Gillebride having called one of his sons by the Norwegian name of Magnus, indicates that he had a Norwegian mother. This is clear from his also becoming Earl of Orkney, which the King of Scots could not have given him. Gillebride died in 1200, so that Magnus must have been born before that date, and about the time of Earl Harald Ungi, who had half of Caithness, and died in 1198. Magnus is a name peculiar to this line, as the great Earl Magnus belonged to it, and Harald Ungi had a brother Magnus. The probability is that the half of Caithness which belonged to the Angus family was that half usually possessed by the earls of the line of Erlend, and was given by King Alexander with the title of Earl to Magnus, as the son of one of Earl Harald Ungi's sisters, while Johanna, through whom the Moray family inherited the other half, was, as indicated by her name, the daughter of John, Earl of Caithness of the line of Paul, who had been kept by the king as a hostage, and given in marriage to Freskin de Moravia.

Magnus, Earl of Orkney and Caithness, the last of the earls of the Angus line, died before 1329, when Caterina Comitissa Orcadiae et Cathanesiae' grants a charter 'in viduitate.' In 1330 we find a claim on the earldom of Caithness by Simon Fraser and Margaret his spouse, one of the heirs of the Earls of

Caithness (Acta Parl. vi.). In 1331 we find Malise, Earl of Stratherne, charged on the Chamberlain Rolls (p. 404) with the rents of the fourth part of Caithness; and in 1334 Malise appears as earl of the earldom of Stratherne, Caithness, and Orkney (Chart. Inchaffray). It is clear, therefore, that the half of Caithness which belonged to the Angus earls, had like the other half passed to two co-heirs, and that the title of earl, with one-fourth of the earldom, had gone to the Earl of Stratherne, and the other fourth to Margaret, wife of Simon Fraser.[2]

There is some difficulty in clearing up the history of the last few earls of Stratherne, and of discriminating between them, as they all have the name of Malise. The first of the name of Malise was the son of Robert, Earl of Stratherne, and Fordun (Bower) fixes the date of his death when he says, in 1271, 'Malisius comes de Stratherne in partibus Gallicanis decessit et apud Dunblane sepelitur.' In giving the death of Magnus, king of Man, in 1269, he adds, 'cujus relictam comes Malisius de Stratherne *postea* duxit videlicit filiam Eugenie de Ergadia;' but the *postea* refers to after 1271, and this was the second Malise the son of the former, for we find in 1291, Malise, Earl of Stratherne, does homage to Edward I. at Stirling on 12th July, and twelve days after 'Maria Regina de Man et Comitissa de Stratherne' does homage at Perth in presence of Earl Malise. He died before 1296, as among the widows who are secured in their possessions by the King of England in that year is 'Maria quæ fuit uxor Malisii Comitis de Stratherne.'

In point of fact Malise (2d) must have died before February 1292, for in that year 'Maria Comitissa de Stratherne quæ fuit uxor Hugonis de Abernethyn' is summoned to Parliament to show cause why Alexander de Abernethyn, son of Hugo, should not have his lands in Fyfe and Perth (Act. Parl. vi.); and that she was not the same Maria as the Queen of Man is clear from this, that she appears along with her in the list of widows in 1296 as 'Maria quæ fuit uxor Hugonis de Abernethyn.' She must therefore have been the wife of Malise (3d), son of Malise (2d).

This Malise (3d) is said in Wood's 'Peerage' to have been killed at the battle of Halidon Hill in 1333; but he died long before, for we find that his second wife was Johanna de Menteith, whom he married in the reign of Robert Bruce, as that king con-

firms a grant by Malise, Earl of Stratherne, to Johanna, daughter of John Menteith, his spouse (Rob. Index), and she after his death married John, Earl of Atholl, for there is in Theiner a dispensation in 1339 for the marriage of Johanna, Countess of Stratherne, widow of John, Earl of Atholl, to Maurice de Moravia. Now this John, Earl of Atholl, was himself undoubtedly killed at the battle of Halidon Hill in 1333. In point of fact Malise (3d) must have died before 1320, for King Robert also grants a charter to Maria de Stratherne, wife of Malise of Stratherne, of the lands of Kingkell, Brechin, which were David de Brechin's (Rob. Index). She must have been therefore married to Malise (4th) during the lifetime of his father Malise (3d), as he is not termed earl; but this Maria is undoubtedly the Comitissa de Stratherne who was implicated along with David de Brechin and William de Soulis in a conspiracy in 1320 (Fordun), and Malise (4th) must then have been earl.

Malise (3d) had two daughters—Matilda, married to Robert de Tony, and Maria to Sir John Murray of Drumsagard; for in 1293 we find him contracting for the marriage of his daughter Matilda, then under 20, to Robert de Tony (Hist. Doc. i. 394); and in the Chartulary of Inchaffray are two charters by Malisius Comes de Stratherne to John de Moravia and his heirs by Maria filia nostra; and his son Malise (4th) confirms a grant soon after 1319 by Malisius 'pater noster quondam comes de Stratherne' to John de Moravia et Maria filia Comitis.

In 1320, Malise, Earl of Stratherne, signs the letter to the Pope. This must have been Malise (4th); and in 1334, in a charter in which he styles himself earl of the earldoms of Stratherne, Caithness, and Orkney, he grants to William, Earl of Ross, the marriage of his daughter Isabel by Marjory his wife, declaring her his heir of the earldom of Caithness failing an heir-male of the marriage of the said Earl Malise and Marjory (Cart. Inch.) She must have been his second wife. It has usually been assumed that Isabel married the Earl of Ross, but this is impossible, for in another deed in 1350 the Earl of Ross styles Marjory, Countess of Stratherne, his sister. He was therefore Isabel's uncle, and the deed was granted at the time of Earl Malise's forfeiture, when Isabel was probably still a child, and was intended if possible to protect the succession.

Earl Malise (4th) had several other daughters. In 1353 Erngils, a Norwegian, gets from the King of Norway the title of Earl of Orkney in right of his mother Agneta, which he forfeits in 1357. In that year Duncan son of Andrew protests for Alexander de le Arde in right of his mother Matilda, called eldest daughter of Earl Malise. In 1364 Euphemia de Stratherne appears as one of the heirs of the late Earl Malise. In 1374 Alexander de le Arde resigns his rights through his mother Matilda to the King. In 1379 Henry St. Clair and Malise Sperre claim the Earldom of Orkney. Henry becomes earl and calls his mother Isabella St. Clair in a charter of lands of which she was heiress. Matilda was probably daughter of Maria the first wife, and the little favour shown to her rights may have arisen from her mother's complicity in the conspiracy in 1320. The other daughters were probably children of Marjory, and the Earl of Ross appears to have married his niece Isabella to Sir William St. Clair, the father of Henry.

It is clear the right to Orkney and Caithness could not have come to the Earls of Stratherne through the Queen of Man, wife of Malise (2d), nor through either of the wives of Malise (4th), as his daughters by both wives claimed. He must, therefore, have derived his right through his mother, one of the wives of Malise (3d), but this could not have been Johanna de Menteith, and therefore Maria, widow of Hugo de Abernethyn, seems the only possible heiress of the earldom of Caithness.

Notes.

[1] This paper was also read to the Society of Antiquaries of Scotland on 11th March 1878, and appears in their *Proceedings* of that Session, p. 571.

[2] In 1375 Alexander de le Arde resigned to King Robert the Second the earldom of Caithness, the principal manor or mansion, with the title of Earl, and all other rights belonging to him in right of his mother Matilda, eldest daughter of Earl Malise; and King Robert granted to his son David the castle of Brathwell, its lands, and all other lands inherited by Alexander de le Arde in right of Matilda de Stratherne, his mother (Robertson's *Index*, pp. 120, 129). The castle of Brathwell, now Braal Castle, is in the vale of the Thurso river, and the possession of the principal messuage carried the title of Earl. The other lands of the earldom appear to have been held in *pro indiviso* fourths.

VI.

ORIGINAL OF THE POEM ON THE LENNOX.

MUIREADHACH ALBANACH, CC.

SAER do lennan a Leamhain,
Alun og mac Muireadhaigh
A chul druimnech gan duibhe,
Ua Luighdech a liathmhuine.
Maith do chonach gilla ngeal,
O do charais do cheidfhear,
Mac righ bealaigh do bhi an dan,
[Gur] bhi Leamhain a leannan.
Gearr-abhand hainm eacht oile,
A reimheas na rioghroidhe,
Go riacht Corc Muimnech tar muir;
Folt druimnech os a dhearcuibh.
Da tainic Fearadhach fionn,
Mac righ Alban na noirphioll,
Da ndearna re Corc cleamhnas,
Ar thocht ina thighearnas.
Tug Fearadhach, feirrde leom,
A inghean do Corc chuil-fhionn,
Lan da tairm Teamhair Mide,
Leamhain ainm na hinghine.
Toircheas rioghna rug Leamhain,
Maine mac Chuirc chuil-leabhair,
Do thaisigh na hucht an ten,
Do Chorc Chaisil na coilen.
Aen do laithibh do Leamhain,
Mathair Mhaine mheirleabhair,
Caega inghen fa ban bonn,
Ag snamh innbhir na habhonn.

Baidhter i an ucht an chalaidh,
Leamhain inghean Fhearadhaigh,
Baister Leamhain ort da eis,
Meabhair nach olc re a fhaisneis.
Dob annamh ceim catha gall,
Fa timlibh uaine a abhann,
Fa meince leat a Leamhain,
Mac eillte fa tinnbhearaibh.
Do fhas chughat Alun og,
Mac Muireadhaigh na min rod,
Aluinn snuadh a ghlac nglan-ur,
Slat do chuan an ched Alun.
Noch ar leathchumthach leanna,
Alun og ua hOilealla,
Bi an gheag do fhine Alun,
Cead ag ibhe in aen ghalun.
Gen co beith acht aen tunna dfhion,
Ag fine Chuirc na caeimhriog,
Ni sochma siol ceann-glan Chuirc,
Da ndearna fion do anairt.
Mormhaer Leamhna leaca mhin,
Deagh-mhac inghine Ailin,
A gheal-lamh, a thaebh, a throigh,
Saer do leannan a Leamhain.

Saer.

VII.

COMPARISON between the HIGHLAND CLANS and the AFGHAUN TRIBES. Written in 1816 by Sir Walter Scott.

THE genealogies of the Afghaun tribes may be paralleled with those of the Clans; the nature of their favourite sports, their love of their native land, their hospitality, their address, their simplicity of manners, exactly correspond. Their superstitions are the same, or nearly so. The *Gholée Beabaun* (demons of the desert) resemble the *Boddach* of the Highlanders, who 'walked the heath at midnight and at noon.' The Afghaun's most ordinary mode of divination is by examining the marks in the blade-bone of a sheep, held up to the light; and even so, the Rev. Mr. Robert Kirk assures us, that in his time, the end of the sixteenth century, 'the seers prognosticate many future events (only for a month's space) from the shoulder-bone of a sheep on which a knife never came. By looking into the bone, they will tell if whoredom be committed in the owner's house; what money the master of the sheep had; if any will die out of that house for a month; and if any cattle there will take a *trake* (*i.e.* a disease), as if planet-struck.' [1]

The Afghaun, who, in his weary travels, had seen no vale equal to his own native valley of Speiger, may find a parallel in many an exile from the braes of Lochaber; and whoever had remonstrated with an ancient Highland chief on the superior advantages of a civilised life, regulated by the authority of equal laws, would have received an answer something similar to the indignant reply of the old Afghaun: 'We are content with discord, we are content with alarms, we are content with blood,

[1] *Essay on the Nature and Actions of the Subterranean Invisible People going under the name of Elves, Fairies, and the like.* London, 1815.

but we will never be content with a master.'[2] The Highland chiefs, otherwise very frequently men of sense and education, and only distinguished in Lowland society by an affectation of rank and stateliness somewhat above their means, were, in their own country, from the absolute submission paid to them by their clans, and the want of frequent intercourse with persons of the same rank with themselves, nursed in a high and daring spirit of independent sovereignty which would not brook or receive protection or control from the public law or government, and disdained to owe their possessions and the preservation of their rights to anything but their own broadswords.

Similar examples may be derived from the History of Persia by Sir John Malcolm. But our limits do not permit us further to pursue a parallel which serves strikingly to show how the same state of society and civilisation produces similar manners, laws, and customs, even at the most remote period of time, and in the most distant quarters of the world. In two respects the manners of the Caubul tribes differ materially from those of the Highlanders; first, in the influence of their Jeergas, or patriarchal senates, which diminishes the power of their chiefs, and gives a democratic turn to each separate tribe. This appears to have been a perpetual and radical difference; for at no time do the Highland chiefs appear to have taken counsel with their elders, as an authorised and independent body, although, no doubt, they availed themselves of their advice and experience upon the principle of a general who summons a council of war. The second point of distinction respects the consolidation of those detached tribes under one head, or king, who, with a degree of authority greater or less according to his talents, popularity, and other circumstances, is the acknowledged head of the associated communities. In this point, however, the Highlanders anciently resembled the Afghauns, as will appear when we give a brief sketch of their general history. But this, to be intelligible, must be preceded by some account of their social system, of which the original and primitive basis differed very little from the first time that we hear of them in history until the destruction of clanship in 1748.—Review of Culloden Papers, *Quarterly Review*, vol. xiv. p. 289.

[2] *Account of Caubul*, p. 174 note.

VIII.

LEGENDARY DESCENT OF THE HIGHLAND CLANS,

ACCORDING TO IRISH MSS.

I.

CLANS supposed to be descended from FERGUS LEITH DERG, son of Nemedh, who led the Nemedian colony to Ireland.

I.

GENELACH CLANN CAILIN ANNSO[1]	GENEALOGY OF THE CLAN COLIN OR CAMBELLS, NOW CAMPBELLS.
Cailin oig mac	Sir Colin Cambell of Lochaw (chr. in 1407) son of
Gillaeaspic ruaidh mic	Sir Archibald Cambell (has a chr. in 1368 of lands as freely as his progenitor Duncan Mac Duine) son of
Cailin mic	Sir Colin Cambell of Lochow son of
Neill mic	Sir Neill Cambell of Lochaw son of
Cailin moir mic	Sir Colin Mor Cambell of Lochaw son of
Gilleeaspic mic	Gillespic Cambell (1266, Exch. Rolls) son of
Dubgaill Cambel a quo mic	Dugald Cambel, from whom came the name of Cambell, son of
Donnchach mic	Duncan son of
Gillaeaspic mic	Gillespic son of

[1] From the MS. 1467, Kilbride MS., c. 1540, and MacFirbis's Gen. MS.

Gillacolaim renabarta mic Duibne mic	Malcolm, called Mac Duine, son of
Duibne[2] on raithir mic	Duibhne, from whom the name is taken, *son of*
Eiranaid or Fearadoig mic	*Fearadoig son of*
Smeirbi mic	*Smeroie son of*
Artuir mic	*Arthur son of*
Uibher .i. rig andomain[3] mic	*Uibher, king of the world* (*Uther Pendragon*), *son of*
Ambrois mic	*Ambrosius son of*
Considin mic	*Constantine son of*
Amgcel mic	*Amgcel son of*
Toisid mic	*Toisid son of*
Conruirg mic	*Conruirg son of*
Considin mic	*Constantine son of*
Artuir na laimh mic	*Arthur of the hand, son of*
Laimlin mic	*Laimlin son of*
Artuir laimberg mic	*Arthur Redhand son of*
Bene Briot mic	*Bene Briot son of*
Artuir mic	*Arthur son of*
Allardoid mic	*Allardoid son of*
Artuir Fad Eaglais mic	*Arthur of the long church, son of*
Lamdoid mic	*Lamdoid son of*
Findluga mic	*Findlay son of*
Artuir oig mic	*Arthur the young, son of*
Firmara mic	*Firmara or the man of the sea, son of*

[2] The later spurious pedigrees made this Duibhne, son of Diarmaid McDuimhn, by Graine his wife, from whom the Campbells were called Siol Diarmaid, *i.e.* Diarmed's seed, and place between him and Earanaid seven imaginary Duimhns, Arthurs, and Fearathors (Campbell's *West Highland Tales*, iii. p. 89), thus importing the Ossianic hero Diarmed o Duine into the pedigree from mere similarity of name. There is no reason to suppose that the clan were ever really called Siol Diarmed.

[3] MS. 1467 stops here, but elsewhere says the Cambells and Macleods were descended from Nemedius. The earlier part is taken from two other MSS. MacFirbis gives a different list of names, eleven in number, but likewise terminating with Briotan, son of Fergus Lethderg. They are 'Iobar or Uther Mac Lidir mic Brearnaird mic Muiris mic Magoth mic Coiel mic Catogain mic Caidimoir mic Catogain mic Bende mic Mebrec mic Grifin mic Briotain, o taid Bretnaig, mic Fergusa Leithderg mic Nemid,' etc.

Artuir moir mic	*Arthur the great, son of*
Bene Briot mic	*Bene Briot son of*
Briotus mic	*Briotus son of*
Briotan o bfuilid Breatnan mic	*Briotan, from whom came the Britons, son of*
Fergusa Leithderg mic	*Fergus Redside, son of*
Nemed	*Nemedius.*

II.

Genelach mic Leod annso[4]	Genealogy of Macleod here.
(Alasdran) mic	Alexander Macleod son of[5]
( ) mic	William Macleod son of
( ) mic	John Macleod son of
( ) mic	William Macleod son of
(Giollacolum) mic	Malcolm Macleod son of
(Tarmoid) mic	Tormode Macleod son of[6]
Leod on raithir mic	Leod, from whom the clan is named, *son of*
Oloig mic	*Oil the young, son of*
Oib mic	*Oib son of*
Oilmoir mic	*Oib the great, son of*
Iamhar oig mic	*Ivor the young, son of*
Sin Iamhar mic	*Old Ivor son of*
Sgoinne Sgandlan mic	*Sgandlan of Scone, son of*
Iamhar Athacliath mic	*Ivor of Dublin, son of*
Connla mic	*Connal son of*
Connaill cl. derg mic	*Connall of the red sword, son of*
Ceallach mic	*Ceallach son of*
Mardoid mic	*Mardoid son of*
Ceallach Catluanid mic	*Ceallach Catluanid son of*
Cuilinnan mic	*Cuilinnan son of*

[4] From the Kilbride ms., c. 1540. The first six names have been carefully erased, probably by a partisan of the rival house. They are supplied from other sources.

[5] Alexander Macleod has charters as son and heir of the deceased William John Maclodeson of Dunvegan, on the forfeiture of the Lord of the Isles in 1498.—*Reg. Mag. Sig.*

[6] There is a charter by David II. to Malcolm, son of Tormode Macloyde, of two parts of Glenelg.—R. I.

Connla mic	*Connal son of*
Dergdian Sgotheg mic	*Dergdian Sgotheg, son of*
Manuis oig mic	*Manus the young, son of*
Magnus na luingi luaithe mic	*Magnus of the swift ship, son of*
Magnus Aircin mic	*Magnus of Orkney, son of*
Iamhar uallach mic	*Ivor the skilful, son of*
Dergi mic	*Dergi son of*
Arailt mic	*Harald son of*
Iamhar nam Breat mic	*Ivor of the judgments, son of*
Ubhaidh mic	*Ubhaidh son of*
Arailt mic	*Harald son of*
Aspuig mic	*Aspac son of*
Ceallach mic	*Ceallach son of*
Connla mic	*Connal son of*
Lamus mic	*Lamus son of*
Lungbard mic	*Longobard son of*
Lamus mic	*Lamus son of*
Lochlan mic	*Lochlan son of*
Arailt mic	*Harald son of*
Laigh laidere o.r. clann Laigh mic	*Laigh the strong, from whom called Clan Laigh, son of*
Fergus Leighderg	*Fergus of the red side.*

III.

Genelach mic Nicail	Genealogy of the Nicolsons.[7]
Eoin mic	John son of
Eogain mic	Ewen son of
Eoin mic	John son of
Nicail mic	Nicail son of
Aigi mic	Aigi son of
Neailb mic	Neailb son of
Nicail mic	Nicail son of

[7] This genealogy is added from MS. 1467, as it contains a jumble of Gaelic and Norwegian names somewhat similar to that of the Macleods. It will be observed that the Pictish name Trostain or Drostain occurs among them.

Gregill mic	Gregill[8] son of
Gillemure mic	Gillemure *son of*
Sealbar mic	*Sealbar son of*
Toircinn mic	*Toircinn son of*
Tottha mic	*Tottha son of*
Trostain mic	*Trostain son of*
Sdacaill mic	*Sdacaill son of*
Erble o fuiled ic Erble mic	*Erble, from whom Mac Erble, son of*
Arailt mic	*Harald son of*
Murechaich mic	*Murechach son of*
Fogacail mic	*Fogacail son of*
Poil mic	*Paul son of*
Ailin mic	*Allan son of*
Airfin mic	*Airfin son of*
Taidg mic	*Teague son of*
Amlaim mic	*Amlaimh son of*
Turcinn Atacliath mic	*Turcinn of Dublin, son of*
Arailt mic	*Harald son of*
Asmainn mic	*Asmainn son of*
Airdil	*Airdil.*

II.

Clans supposed to be descended from Colla Uais, son of Eochaidh Doimlein, King of Ireland.

I.

Na tri Colla.[9]

A deir an croinicil go ttugadar na tri Colla seacht ccatha re seacht laithe a ndiaigh a

Of the three Collas.

The chronicle says that the three Collas fought seven battles during seven days, one after

[8] The author of the Statistical Account of Edderachylis (*Stat. Acct.*, vi. p. 278) mentions that the Nicolsons are traditionally descended from a certain Krycul, who must have lived in the thirteenth century, and so far the pedigree may be genuine.

[9] From ms. T. C. D., H. 3, 18. The author is indebted to Mr. Hennessy for the translation of this tract.

cheile dultachaibh agus gur marbadh ri uladh san chath deigheanach didh .i. Fergus fogha .i. i cath achaidh deirg. Don taobh a bhus do ghlionn Righe do rinneadh torann gleanna righe on iobur anuas eatarra agus Clanna Rughraidhe, agus nir fhilleadar Clanna Rughraidhe anun o sin ale. Do chuir Ri eireann .i. Muireadhach Tireach gairm ar chlainn Eachach Duiblen .i. na tri Colla agus tugadh go teamraigh iad agus tug saorrse agus sochra dhoibh fein agus da noighrighibh na ndiaigh go siordhaighe agus do mhaith marbhadh a athar doibh ar a ccongnamh do beith leis o sin amach agus tug a noireadsa do dhuthaigh doibh as cionn a ngabaltais a nultaibh .i. Triocha ced in gach cuigeadh eile deirinn agus baile in gach Triocha ced agus teach agus garrdha in gach baile. Ag so an chuid eile dona sochraibh .i. coimheirghe rompa ar fhearuibh eirionn a naonach agus a noireachtus acht Ri eireann amhain agus gan iadsan deirghe re cach. Trian eadala a ccuantaibh long doibh. Tus dighe tus leapta agus ionnalta re mileadhaibh eireann i ttighibh miodhcurta aca. Coinnmeadh da ndaoinibh ar fhearaibh eireann an feadh beidis gan buanacht dfhaghail.

another, to the Ulidians, and that the king of Ulad, *i.e.* Fergus Fogha, was slain in the last battle of them, viz. the battle of Achadh-derg. On this side of Glen-Righe the boundary of Glen-Righe from the Ibar down (from Newry northwards) was made between them and the Clan Rughraidhe, and the Clan Rughraidhe did not return across from that to this. The king of Erin, viz. Muredach Tireach, invited the sons of Eochaidh Duiblen, viz. the three Collas; and they were brought to Tara; and he gave freedom and emoluments to themselves and their heirs after them for ever. And he forgave them the killing on condition that they would aid him from henceforth. And he gave them this much of possessions beyond their acquisitions in Ulad, viz. a Triocha ced in every other province of Erin, and a bally in every Triocha ced, and a house and garden in every bally. This is another part of the privileges, viz., that the men of Erin, excepting the king alone, should rise up before them in fair and assembly, and that they should rise up before none. They should have a third of the profits of ship-harbours; precedence of drink, bed, and ablutions before the

Gan eiric fola do dhul uatha. Coimhed ghiall eireann aca. Giodh be do rachadh ar a nionchuibh comairce go ceann mbliadhna aige. Gach arm nochtar a naonach no a noireachtus do beith aca. Ni raibe ag righ eireann acht braighde ar braighdibh uatha. Leathghuala Righ eireann ag righ sleachta na ccolla agus fad a laimhe agus a lainne dfholmhughadh eder e agus cach. Coinnmeadh eachra agus chon o shamuin go bealtuine ar feadh eirenn aca. Da mbuantaoi creach na ndiaigh dhiobh agus siad ar sluaigheadh righ eireann se ba san bhoin doibh uadha. Bo ar fich agus tuarasdul do gach aoin da maithibh o righ eireann ar sluaigheadh. Triocha colg ded. Triocha balt airgid. Triocha sleagh. Triocha brat o righ eireann do righ sleachta na ccolla iar bhfhilleadh da sluaigheadh agus da mbeidis geill uatha ag righ eireann ni bhiodh do chuibhreach ortha acht slabrad oir. No a mbeith fa reir a ccuideachtain righ eireann. Oir as uime a dearar oirgiallaibh riu .i. or as glais da ngiallaibh. Ag sin a sochair maille re sochraibh eile nach airmtear annso. A siad na ceithre haibhne as uaisle a nultaibh toranna fearainn chloinne na ccolla .i. Boinn, Banna, an knights of Erin, in banquet-halls. Coigny for their people whilst they might be without getting Bonaght. That they should not lose blood-eric; should have the guarding of the hostages of Erin; that whoever sought their guarantee should have protection for a year; that they should have every weapon unsheathed in fair or assembly. The king of Erin had from them only pledge for pledge. The king of the race of the Collas should have the half-shoulder of the king of Erin (the right to sit or stand beside him), and the length of his hand and spear should be vacant between him and all others. They should have maintenance for horse and hound throughout Erin from Allhallowtide to May. If a prey were taken from them in their rear, when on the hosting of the king of Erin, they should have six cows from him for every cow. The pay of each of their goodmen from the king of Erin, on a hosting, was 21 cows. The king of the race of the Collas should get from the king of Erin, after returning from his hosting, 30 swords, 30 silver belts, 30 spears, 30 garments, and if the king of Erin had any hostages from them, there was no manacle on them save

Eirne agus an Fhionn. Iomthusa Cholla Uais nior bhfhiu leis fuireach ar a chuid don duthuigh no do na sochraibh sin a dubramar o do bi ere agus an rioghacht aige fein roime sin. Ragbhais a fhearann agus na sochair sin aga braithribh. Dala Colla Uais anais a mbun a gabaltais fein a nalbain agus a bhfhionnlochlannuibh o shoin ale agus a ngablaigheann uadha acht ar fhill go heirinn diobh a mbun a nduthchasa. Ase so craobhsgaoileadh shleachta righ eireann .i. Colla Uais .i. Clann Domnaill a neirinn agus a nalbain agus a ngablaigeann uatha. Mar a taid Clann Raghnaill a tuaigh agus Clann Eoin Airnamurchann agus Macdubhghuill lathairn agus Clann Alasdair a neirinn agus a nalban agus Clann tsithigh na Munchan agus moran do maithibh oile nach airemtear sonn.

a gold chain, or they would be under control in the suite of the king of Erin; for the reason they are called Oirgialla is that gold (*or*) is the lock (*glas*) for their hostages (*gialla*). These are their privileges, together with other privileges not enumerated here. The four noblest rivers in Ulad are the boundaries of the lands of the Clan Colla, viz. the Boyne, the Bann, the Erne, and the Finn. As regards Colla Uais, he did not think it worth while remaining with his share of the country, or of those privileges we have mentioned, for he himself had Erin and the kingship ere then. He left the land and those privileges to his brothers. With regard (further) to Colla Uais, he remained in the foundation of his own acquisitions in Alban and Finnlochlann (Innsigall) from that time to this, and all who descend from him, except those that returned to Erin or the foundation of their inheritance. These are the branches of the race of the king of Erin, viz. Colla Uais, viz. the Clan Donald of Erin and Alban, and those who descend from them, as are the Clan Ranald of the north, the Clan Ian Ardnamurchan and MacDougall of Lorn, and the Clan Alaster of Erin and Alban,

and the Clan Sheehy of Munster, and many other good men not enumerated here.

II.

Genealach mic Domhnall na halban[10]	Genealogy of the Macdonalds of Alban.
Eoin mac	John (*Lord of the Isles, died* 1380) son of
Aengusa oig mic	Angus og (*Lord of the Isles*) son of
Aengusa moir mic	Angus mor (*Lord of the Isles*) son of
Domhnall mic	Donald (*Lord of the Isles*) son of
Raghnaill mic	Reginald, King of the Isles, son of
Somairli mic	Somerled (*Kinglet of Argyll*) son of
Gillebrigde mic	Gillebride son of
Gilleadamnain mic	Gilladomnan son of
Solaimh mic	Solomon son of
Imergi[11] mic	Jehmarc (*did homage to Canute* 1029) *son of*
Suibhne mic	*Suibhne son of*
Niallgusa mic	*Niallgusa son of*
Amaini mic	*Maine son of*
Gofraidh mic	*Godfrey son of*
Fergusa mic	*Fergus son of*
Eirc mic	*Erc son of*
Echach mic	*Echach son of*
Colla Uais	*Colla Uais.*

III.

Craebsgaieled Clann Domnall anso .i. Clann Eoin a	The Branches of the Clan-Donald here, viz. the chil-

[10] Taken from the Books of Ballimote and Leccan.

[11] MacFirbis gives this name as Meargaidhe, and adds *a quo.* He terms the clan Ua Meargaidhe, meaning that this name was derived from this Meargaidhe. The name is unknown in Scotland.

hile[12] Eoin agus Ragnall agus Gofraig tri mic E. mhic Ruaidri; Domnall og agus Eoin agus Aengus agus Alexandair IIII. mhic inghen Galtin .i. rig Alban.

dren of John, Lord of the Isles, John and Reginald and Godfrey, the three sons of Amie mac Rory; Donald og and John and Angus and Alexander, four sons of the daughter of Galtur (Robert), king of Alban.

Ag Eoin a hile condregaid Clann Domnall agus Clann Ragnall agus Clann Gofruig.

The Clan Donald, Clan Ranald, and Clan Godfrey meet at John Lord of the Isles.

Clann Ragnall Ailin agus Eoin dobi dall fadeoig agus Domnall agus Aengusa Riabhach agus Dubgaill agus ag so clann a sin .i. Clann Ailin Ruaidri agus Uisdinn agus Eoin.

The children of Reginald were Allan and John, who was blind from youth, and Donald and Angus Riabhach and Dugald; and these are the children of Allan, viz. Roderic and Huistein and John.

Clann Domnall mhic Ragnall Eoin dar mathair Laiglib inghen Cimair agus Alexandair na caillie agus Aengus oig Clann inghean mhic Cimisin.

The children of Donald son of Reginald were John, whose mother was Laiglib daughter of Cimair, and Alexander of the woods, and Angus og, children of the daughter of Macimie.

Eoin dall acu mac les .i. Eoin.

Blind John had but one son, viz. John.

Aengus Riabhach aen mac mait aige .i. Aengus oig aig airobusa fein amaelanac oig.

Angus Riach had one good son, viz. Angus og, and had in him a bald-headed youth.

Clann Dubgaill mhic Ragnall agus Aengus Ruadh. Clann Gofruig Aengus agus Eoin agus Somairli agus Ragnall.

The children of Dugald son of Reginald are . . and Aengus thered. The children of Godfrey were Angus and John and Somerled and Reginald.

Aengus trath nir fagail clann mae agb ata sil.

Angus dying early did not leave any male children who had offspring.

[12] Taken from MS. 1467.

IV.

THE CLAN ALASTAIR.[13]

Marcus mac	Marcus son of
Somairlig mic	Somerled son of
Alaxandair mic	Alexander son of
Aengusa mor	Angus mor, Lord of the Isles.
Eoin mac	John son of
Raghnaill[14] mic	Reginald son of
Alexandair mic	Alexander son of
Aengusa moir	Angus mor.
Aengus og mac	Angus og son of
Aengusa mic	Angus son of
Alaxandair mic	Alexander son of
Aengusa moir	Angus moir.
Eoin mac	John son of
Somairli mic	Somerled son of
Eoindub mic	Black John son of
Alaxandair mic	Alexander son of
Angus mor	Angus mor (*Lord of the Isles*).
Godfrey mac	Godfrey son of
Angus mhic	Angus son of
Alexander oig	Alexander oig.
Angus odhar mac	Angus the pale son of
Toirdealbach mhic	Tearlach son of
Alexander oig	Alexander oig.
Somairli mac	Somerled son of
Gillabrigdi mic	Gillebride son of
Gofraig mic	Godfrey son of
Alexandair oig	Alexander oig.

[13] The following branches, descended from Alaxandair, son of Angus mor, are taken from the Books of Ballimote and Leccan and MS. 1467, and, though bearing no title, are obviously the Clan Alasdair.

[14] Raghnall mac Alaxandair, heir of the Clann Alaxandair, is mentioned in the Annals of Ulster in 1363.

V.

THE CLAN IAN OF ARDNAMURCHAN.[15]

Domnall mac	Donald son of
Aengus mic	Angus son of
Eoin sprangaig mic	John the bold son of
Aengusa mor	Angus mor (*Lord of the Isles*).

VI.

Domnall mac[16]	Donald son of
Alaxandair mic	Alexander son of
Domnaill mic	Donald (*Lord of the Isles*) son of
Raghnaill mic	Reginald (*Lord of the Isles*) son of
Somairli	Somerled.
Dondchad agus Eachond da mhic	Duncan and Eocha two sons of
Alaxandair mic	Alexander son of
Domnall mic	Donald son of
Raghnaill	Reginald.
Eoin agus Gillaespic da mhic	John and Gillespie two sons of
Donnchaid mic	Duncan son of
Alaxandair mic	Alexander son of
Domnaill mic	Donald son of
Raghnaill	Reginald.
Toirdealbach agus Lochlan da mhic	Tearlach and Lochlan two sons of
Eachduind mic	Eocha son of
Alaxandair mic	Alexander son of
Domnaill mic	Donald son of
Raghnaill	Reginald.

[15] This pedigree, taken from Book of Leccan and MS. 1467, though without a title, is evidently that of the Clan Ian Ardnamurchan.

[16] The following descendants of Alexander, son of Donald, Lord of the Isles, from Book of Leccan and MS. 1467.

VII.

Genealach mac Dubhgaill[17]	Genealogy of MacDougall.
Eoin mac	John son of
Ailin mic	Allan son of
Eoin mic	John son of[18]
Alaxandair mic	Alexander son of
Eogan moir mic	Ewen mor son of
Donchadh mic	Duncan son of
Dubhgaill mic[19]	Dougall son of
Raghnaill	Reginald
gu concraigid na tri cineduigh .i. Clann Domnaill agus Clann Dubgaill agus MacRuaidri	where the three tribes of the Clan Donald, Clan Dubgall, and MacRory converge.
Eoin mac[20]	John son of
Eoin mic	John son of
Alaxandair	Alexander.
Alaxandair og mac	Alexander og son of
Eoin mic	John son of
Alaxandair	Alexander.
Eoin agus Somairli agus Ailin agus Alaxandair og	John and Somerled and Allan and Alexander og were the four sons of John son of
Ceithri mhic Eoin mic	
Alaxandair mic	Alexander son of
Donnchaidh	Duncan.

VIII.

Clann Eoin bogaig[21]	Clan of John the Lame.
Eoin mac	John son of
Lochland mic	Lochlan son of
Somairli mic	Somerled son of

[17] From Book of Ballimote and MS. 1467. It also occurs in Book of Leccan under the name of 'Clann Somairli.'

[18] Appears in 1491 as Dominus Johannes de Ergadia filius nobilis viri Domini Alexandri de Ergadia.

[19] Dubgall is erroneously made son of Reginald. In Book of Leccan he is correctly made son of Somerled.

[20] From the Book of Leccan.

[21] From Book of Leccan and MS 1467.

Donnchadh mic	Duncan son of
Dubhgail	Dougall.
Dondchad mac	Duncan son of
Alaxandair mic	Alexander son of
Eoin mic	John son of
Donchaid	Duncan.
Malcolaim mac	Malcolm son of
Lochland mic	Lochlan son of
Eoin mic	John son of
Donchad	Duncan.
Fearchar agus Lochland agus Imar tri mhic	Ferchard and Lochlan and Ivor three sons of
Gillacolum mic	Malcolm son of
Imair mic	Ivor son of
Dubhgaill mic	Dougall son of
Lochland mic	Lochlan son of
Donchad mic	Duncan son of
Dubgaill	Dougall.
Alaxandair agus Somairli da mhic	Alexander and Somerled two sons of
Eoin mic	John son of
Alaxandair mic	Alexander son of
Donnchaidh mic	Duncan son of
Dubhgaill	Dougall.

IX.

Genealach mhic Ruaidri[22]	Genealogy of MacRory.
Tomas mac	Thomas son of
Ragnall finn mic	Ranald the white, son of
Lochloind mic	Lochlan son of
Ailin mic	Allan son of
Ruaidri mic	Roderic or Rory son of
Ragnaill	Reginald (*Lord of the Isles*).
Ragnall finn eile mac[23]	Another Ranald the white, son of

[22] From Books of Ballimote and Leccan and MS. 1467.

[23] From Book of Leccan and MS. 1467. Reginald filius Roderici has a charter of Garmoran and other lands from David II., and his father Roderic filius Alani of the same lands from Robert Bruce.

Ruaidri mic	Roderic son of
Ailin mic	Allan son of
Ruaidri mic	Roderic son of
Ragnaill	Reginald (*Lord of the Isles*).
Fearchar agus Donnchad da mhic[24]	Ferchard and Duncan two sons of
Dondchaid mic	Duncan son of
Dubgaill mic	Dougall son of
Ruaidri mic	Roderic son of
Raghnaill	Reginald (*Lord of the Isles*).
Do Raghnall sin Comraig Clann Domnall agus Clann Ruaidri[25] .i. Ruaddri agus Domnall da mhic Raghnall. Dearbrathair do Raghnall sin Dubgall a quo Clann Dubgaill	At this Reginald meet the Clan Donald and Clan Rory, for Roderic and Donald were the two sons of Reginald. His brother-german was Dougall, from whom were descended the Clan Dougall.

III.

Clans supposed to be descended from the Hy Neill or race of Niall Naoi Giallach, king of Ireland, through Niall Glundubh, head of the northern Hy Neill and king of Ireland, slain 917.

I.

Genelach Clann Ladmann[26]	Genealogy of the Clan Ladmann or Lamonts.
Roibert mac	Robert son of
Donchadh mic	Duncan son of
Eoin mic	John son of
Giollacoluim mic	Malcolm son of
Ladmainn mic	Ladmann son of
Giollacoluim mic	Malcolm son of

[24] From Book of Leccan.

[25] ms. 1467 has erroneously Condrecaidh Clann Ruaidri agus Clann Domnall agus Clann Dubgaill—converged the Clan Rory, Clan Donald, and Clan Dougall.

[26] This and the three following are from the ms. 1467 and MacFirbis.

Fearchair mic	Ferchard son of
Duinsleibe mic	Duinsleibhe *son of*
Aeda Alain .i. Buirche mic	*Aeda Alain the Buirche, son of*
Anradan mic	*Anradan son of*
Flaithbertaigh mic	*Flaherty son of*
Murcertach mic	*Murcertach son of*
Domnall mic	*Donald son of*
Murcertach mic	*Murcertach son of*
Neill Glundub	*Niall Glundubh* (*or Black Knee*).

II.

Dogenelach mhic Lachlan og	Genealogy of MacLachlan.
Caineach mac	Kenneth son of
Eoin mic	John son of
Lachlan mic	Lachlan son of
Gillapadruig mic	Gillapadrig son of
Lachlan moir mic	Lachlan Mor son of
Gillapadruig mic	Gillapadrig son of
Gillacrist mic	Gillacrist *son of*
Aeda Alain	*Aeda Alain*
renabarta Buirche mic	*called Buirche son of*
Anradan condregaided	*Anradan, where it converges with*
Clanna Neill Nai Giallach	*the Clan Niall Naoi Giallach.*
Caitrina ingen	Catherine the daughter of
Donchadh mic	Duncan son of
Ladmann mathair	Ladmann was mother of
Cainig agus Padraig agus	Kenneth, Patrick, and Gillespic,
Gillaespic agus	and Agnes the daughter
Agais ingen	of Macdonald was the
mic Domnaill mathair	mother of
Eoin agus	John and
Ealusaid ingen	Elizabeth daughter of
Mormair Comgaill mathair	the Lord of Cowall was
Lachlain oig agus	mother of Lachlan og and
mathair Gillapadruig ingen	the mother of Gillapadrig
Domnall mic	was the daughter of Donald
Eiri mic	son of Eric mac Kennedy Lord
Ceinnedon tigerna Cairge agus	of Carrick and the daughter of

ingen Lachlan mic	Lachlan mac Rory was the
Ruaidri mathair	mother of Gillapadric, viz.
Gillapadruig .i. Ateg no M.	Ateg or M.

III.

Genelach Clann Somairle	Genealogy of the Clan Sorley.
Domnall mac	Donald son of
Gillaespic mic	Gillespic son of
Aengusa mic	Angus son of
Domnaill mic	Donald son of
Somairle mic	Somerled son of
Ferchair mic	Ferchard son of
Duinsleibe son of	Dunslebhe *son of*
Buirche	*Burche.*

IV.

Genelach mhic Eogain na hoitreac annso	Genealogy of MacEwen of Otter here.
Baltuir mac	Walter son of
Eoin mic	John son of
Eogain mic	Ewen son of
Gillaespic mic	Gillespic son of
mic	son of
mic	son of
Saibairan mic	Saveran son of
Duinsleibe mic	Dunslebhe *son of*
Aeda Alain renabarta	*Aeda Alain called*
Buirche mic	*Buirche son of*
Anradan mic	*Anradan son of*
Flathbertaigh	*Flaherty.*

IV.

CLANS supposed to be descended from CORC, son of Lughaidh, king of Munster, of the line of Heber.

I.

Mungfhionn ingen Fearadaig[27] Finn Feachtnaigh righ Cruithneach Alban[28] mathair ceithre mhic do Corc .i. Cairbre Cruithnechan agus Maine Leamna a quo Leamnuigh an Alban Cairbre a quo Eoganacht Muighegearrain in Alban[29] Cairbre Luachra a quo Eoganacht Locha Lein agus Aois arta agus Aois Alla agus Aois greine Cronan a quo Cruithn rige Eamain

Mungfinn daughter of Feradach Finn Fachtnaigh king of the Picts of Alban was the mother of four sons to Corc, viz. Cairbre Cruithnechan and Maine Leamna from whom are the people of Lennox in Alban. From Cairbre are the Eoganacht of the Mearns in Alban. Cairbre Luachra from whom are the Eoganacht of Lochalein, Aos Arta, Aos Alla and Aos Greine; Cronan from whom are the Cruithnigh of the kingdom of Eamania.

An da Cairbre .i. Cairbre Luachra[30] agus Cairbre Cruthneachan amus diobh an Alban orba mathair do Cruithneachanuibh Alban .i. Cairbre Cruthneachan a Muighgearrain agus Maine Leamna a Muighe Leamna

The two Cairbres viz. Cairbre Luachra and Cairbre Cruthnechan, settled in Alban on the inheritance of their mother who was of the Picts of Alban viz. Cairbre Cruthnechan in the Mearns and Maine Leamna in the plain of the Leven.

[27] From MS. T. C. D., H. 25. There is another edition of this legend in MS. Bod. Rawl., 502.

[28] The Bodleian MS. has Cruithintuath, that is, Pictland.

[29] The Bod. MS. adds 'dia rabi Aengus ri Albain,' 'through whom was Angus, king of Alban,' a name given by Tighernac to Angus, son of Fergus, king of the Picts, who died in 761.

[30] Cairbre Luachra is here inserted by mistake for Maine Leamna.

II.

Genealach Mormaor Leamna anso sios[31]	Genealogy of the Mormaers of Lennox down here.
Donnchach mac	Duncan (*eighth earl of Lennox*) son of
Baltair mic	Walter[32] (*de Fasselane*) son of
Amlaimh mic	Awley son of
Donnchach mic	Duncan son of
Amlaoimh og mic	Awley the young, son of
Amlaoimh mor mic	Awley mor, son of
Ailin mic	Ailin (*second earl of Lennox*) son of
Ailin mor mic	Ailin mor (*first earl of Lennox*) son of
Muireadhaigh mic	Muredach son of
Maoldomhnaigh mic	Maeldovnaigh *son of*
Maine Leamna mic	*Maine Leamna son of*
Cuirc mic	*Corc son of*
Lughaidh	*Lughaidh.*

V.

Clans supposed to be descended from the Kings of Dalriada in Scotland.

First Group—Clans descended from Fearchar fada, son of Fearadach of the Tribe of Lorn, king of Dalriada; died 697.

I.

Genealach Clann Dubh[33]	Genealogy of the Clan Duff.
Maelsnechta mac	Maelsnectai (*king of Moray, d.* 1085) son of

[31] From ms. T. C. D., H. 1, 7; and ms. 1467.

[32] Walter de Fasselane married Margaret, daughter and heiress of Donald, sixth Earl of Lennox. His father Alan is by the peerage-writers identified with Awley, grandson of Aluin, second earl, but this would put him in the same generation with his wife's grandfather. This pedigree supplies the omitted links.

[33] This genealogy occurs in the Books of Leinster, Ballimote, and Leccan, in ms. 1467, ms. Bod. Rawl., 502, and T. C. D., H. 2, 18, where it is called the Genealogy of the Clan Duff, in the Book of Leinster the Clan Lulaigh, in ms. Bod. Ri Alban.

Lulaig mic	Lulach (*king of Scotland, d.* 1058) son of
Gillicomgan mic	Gillcomgan (*Mormaer of Moray, d.* 1032) son of
Maelbrigde mic	Maelbrigda son of
Ruadri mic	Ruadri son of
Domnall mic	Donald son of
Morgaind mic	Morgan son of
Domnall mic	Donald son of
Cathmail mic	Cathmail son of
Ruadri mic	Ruadri *son of*
Aircellach mic	*Aircellach son of*
Ferchair fhoda mic	*Ferchar fada son of*
Fearadaig mic	*Feradach son of*
Fergusa mic	*Fergus, son of*
Sneachtain mic	*Sneachtain son of*
Colmain mic	*Colman son of*
Buadan mic	*Buadan son of*
Eathaig mic	*Ethach son of*
Muredaig mic	*Muredaig son of*
Loarn moir mic	*Loarn mor son of*
Eirc mic	*Erc son of*
Ethach munreamhar	*Ethach munreamhar.*
MacBiad mac	Macbeth (*king of Scotland, d.* 1058) son of
Finnlaeic mic	Findlaech (*Mormaer of Moray, d.* 1020) son of
Ruadri mic	Ruadri son of
Domnall mic	Donald son of
Morgainn	Morgan.

II.

Genelach mic Neachtain [34]	Genealogy of MacNachtan.
Muiris mac	Maurice son of
Malcolum mic	Malcolm son of
Muiris mic	Maurice son of [35]
Maelcoluim mic	Malcolm son of

[34] From MS. 1467.

[35] Maurice MacNaughton has a charter from Colin Campbell of Lochow of lands in Over Lochow.

Gibuin mic	Gilbert[36] son of
Ferchaer mic	Ferchard son of
Gillchrist mic	Gilchrist son of
Domnaill mic	Donald son of
Neachtain mic	Nachtan son of
Artuir mic	Arthur son of
Gibuin mic	Gilbert son of
Neachtain mic	Nachtan son of
Isog mic	Isaac son of
Gillamartain mic	Gillamartan son of
Aengusa mic	Angus son of
Imhair mic	Ivor son of
Neachtain og mic	Nachton the young, son of
Neachtain nisin mic	Nachtan of the wounds, son of
Neachtan moir mic	Nachtan mor *son of*
Domnaill duinn mic	*Donald donn (or the brown) son of*
Ferchair fada mic	*Ferchar fada son of*
Feradaigh mic	*Feradach son of*
Fergusa mic	*Fergus son of*
Neachtan mic	*Neachtan son of*
Colmain mic	*Colman son of*
Buadan mic	*Buadan son of*
Eathach mic	*Eathach son of*
Muiredaig mic	*Muredach son of*
Loarn moir mic	*Loarn mor son of*
Eirc mic	*Erc son of*
Echach muinreamhair	*Ethach munreamhar.*

III.

Do Genelach Clann an Toisigh annso .i. Clann Gillacatan[37]	Genealogy of the Clan an Toshach here, viz. the Clan Gillachattan.
William agus Domnall da mhic	William and Donald two sons of
William mic	William son of
Ferchair mic	Ferchard (*mentioned in* 1383) son of
William mic	William son of

[36] In 1292 terra Gilberti MacNaughton. [37] From ms. 1467.

Gillamichol mic	Gillamichael son of
Ferchair mic	Ferchard son of
Disiab mic	Shaw son of
Gillacrist mic	Gilchrist son of
Aigcol mic	Aigcol son of
Eogain mic	Ewen son of
mic mic	son of the son of
Neill	Neill.
Lochlaine mac	Lochlan son of
Suibne mic	Suibhne son of
Disiab mic	Shaw son of
Leoid mic	Leod son of
Tsead mic	Scayth (*mentioned in* 1338) son of
Ferchar mic	Ferchard son of
Gillacrist mic	Gilchrist son of
Maelcolaim mic	Malcolm son of
Domnaill renabarta	Donald, called the
in Caimgilla mic	Caimgilla, son of
Mureach mic	Mureach son of
Suibne mic	Suibhne son of
Teadh mic	Tead son of
Neachtain mic	Nachtain son of
Gillachatain o fuiled Clann Gillacatan mic	Gillachattan, from whom descended the Clann Gillachattan, son of
Gallbrait mic	Gallbrait son of
Diarmada renabarta	Diarmad called
an Fear Leighinn mic	the Lector, *son of*
Erc mic	*Erc son of*
Conlait mic	*Conlaith son of*
Fearchair fota mic	*Ferchar fada son of*
Fearadaigh	*Feradach.*

IV.

Genelach Clann Maelanfhaigh (Clann Gillacamsroin)[38]	Genealogy of the Clan Millony or Clan Cameron.

[38] From ms. 1467.

Eoghan mac	Ewen son of
Domnall duibh mic	Donald dubh son of
Ailin maelanfaid mic	Allan Millony son of
Poil mic	Paul son of
Gillapadruig mic	Gillapatrick son of
Gillamartain mic	Gillamartan son of
Poil mic	Paul son of
Mailanfaid mic	Millony son of
Gillroid a quo Gillacamsroin agus clann Maelanfaigh	Gilleroth,[39] from whom descended the Clan Cameron and Clan Millony, son of
o fuilid[40] . . . mic	
Gillamartain og mic	Gillamartan og son of
Gillaganiorgan (?) mic	Gillaniorgan son of
Gillamartan moir mic	Gillamartan mor son of
Gilleogain mic mic	Gilleewen son of
Gillapaill mic	Gillapaul son of
Eacada mic	Eacada son of
Gartnaid mic	Gartnaid son of
Digail mic	Digail son of
Pouilacin mic	Pouilacin son of
Airt mic	Art son of
Aengusa moir mic	Angus mor son of
Erc mic	Erc son of
Telt	Telt.

Second Group—Clans descended from Fearchar abraruadh, son of Fearadach Finn of the Tribe of Lorn.

Genealach mhic Gilleoin[41]	Genealogy of the MacLeans.
Lochloinn mac	Lachlan son of

[39] This is the Gilleroth mentioned by Fordun in 1222 as a follower of Gillespic Macohecan in his insurrection, along with whom he witnesses a charter as Gilleroth son of Gillemartan.

[40] There is a sentence here so defaced as to be hardly legible. The words 'Clann . . . Maelanfaig agus rac an sreoin ic Gillanfaigh' may be made out, and imply that the MacGillonies of Strone were his descendants.

[41] From MS. 1647, MacFirbis and MacVurich, Hector and Lauchlan have charters from the Lord of the Isles of Dowart.

Eachduinn mhic
Lochloinn mhic
Eoin mhic
Giollacolum mhic
Maoiliosa mhic
Gilleeoin mhic
Mecraith mhic
Maoilsruthain mhic
Neill mhic
Conduilig .i. Ab Leasamoir mhic
Raingce mhic
Sean Dubhgaill Sgoinne mhic
Fearchar abradruaidh mhic
Fearadhaigh reambraidhte mhic
Fergusa, ut supra, mhic
Neachtain, etc.
Tri meic Raingce .i.
Cucatha a quo Clann Chonchatha iccric Leamhna agus

Cusidhe a quo Clann Consithe a Bhib agus
Cuduiligh a quo Clann Conduiligh .i. Clann mec Gille-Eoin in oilenaibh Muile
Gilleeoin mac Mecraith tri meic les .i. Bristi, Giollabrighde agus Maoliosa
Giollacolum mac Maoilosa tri meic les .i.
Domhnall Niall agus Eoin
Rioghnach inghean Gamhail
Mormair Cairrige
mathair an trir sin

Eachduinn (or Hector) son of
Lachlan son of
John son of
Malcolm son of
Maoiliosa son of
Gilleeoin son of
MacRath son of
Maolsruthain son of
Neill son of
Cuduilig, Abbot of Lismore, son of
Raingce son of
Old Dougall of Scone, *son of Ferchar abraruaidh son of Feradach, above mentioned, son of Fergusa, as above, son of Neachtan, etc.*
Raingce had three sons, viz.
Cucatha[42] from whom the Clan Conchatha, in the district of Lennox, and
Cusidhe,[42] from whom the Clan Consithe in Fife and
Cuduilig, from whom the Clan Conduilig, that is, the Clan MacLean in the island of Mull.
Gilleeoin son of MacRath had three sons, Bristi, Gillebride, and Maoliosa.
Malcolm son of Maoliosa had three sons, viz.
Donald, Niall, and John.[43]
Rignach, daughter of Gamail, lord of Carrick, was the mother of these three sons.

[42] The names Cucatha and Cusidhe mean respectively the dog of war and the dog of peace.

[43] Dofnaldus MacGilhon, Johannes et Nigellus filii Gilhon appear in the Exchequer Rolls in 1326.

Maoliosa agus Eoin da mac an Domhnaill sin. Beatog agus Aithbric a dha ingen

Niall umorro da mhac les .i.

Diarmuid agus Giollacoluim
Eoin diu da mhac maithe les .i. Lochloinn agus Eachdhonn

Lachluinn cuig mec les .i.
Eoin, Eachdhonn, Lochlainn
Niall agus Somhairle
Fionnghuala agus Maria a dha ingen
Eachdonn mac Eoin clann lais .i. Murchadh, Donnall,
Toirrdhealbach, Eoghan,
Tamas agus Gillecaluim
Clann Crisitiona ingene
Macleoid .i. Murcadh mac

Tormoid mhic
Leoid mhic
Gillemuire mhic
Raice mhic
Olbair snoice mhic
Gillemuire. Ealga fholtalainn ingean Arailt mic Semmair righ Lochlan mathair an Gillemuire sin

Maoliosa and John were the two sons of the above Donald. Beatrice and Aithbric his two daughters.

Niall morever had two sons, viz.

Diarmad and Malcolm.
John had long before two good sons, viz. Lachlan and Hector.

Lachlan had five sons, viz.
John, Hector, Lachlan.
Niall, and Somerled.
Finnguala and Maria were his two daughters.
Hector, son of John, had these sons, viz. Murdoch, Donald,
Charles, Ewen,
Thomas, and Malcolm.
They were the sons of Cristina, daughter of MacLeod, viz. of Murdoch, son of
Tormoid son of
Leod son of
Gillemuire son of
Raice son of
Olbair snoice son of
Gillemuire. Ealga of the beautiful locks daughter of Harald son of Semmair, king of Lochlann (*or Norway*) was the mother of that Gillemure.

Third Group—Clans descended from Donald donn, son of Fearadach Finn of the Tribe of Lorn.

I.

Genealach Clann Labhran[44] anso	Genealogy of the Clan Lawren here.
Eain agus Domnall agus	John and Donald and
Anilgolga oig mhic	Anichol the young, sons of
Colim mhic	Malcolm son of
Domnaill mhic	Donald son of
Eogain mhic	Ewen son of
Barthur mhic	Walter son of
Ab Achtus mhic	The Abbot of Achtus[45] son of
Aeid mhic	Aedh son of
Eogain mhic	Ewen son of
Iaig mhic	Iaig son of
Disiab mhic	Shaw son of
Gillacrist mhic	Gilchrist son of
Gillamicol mhic	Gillamichael son of
Pilip mhic	Philip son of
Finlaeic oig mhic	Finlaech og son of
Finlaeic moir mhic	Finlaech mor son of
Dubgaill mhic	Dougall son of
Baltuir mhic	Walter son of
Carlusa mhic	Carlusa *son of*
Domnaill oig mhic	*Donald og son of*
Domnaill duinn mhic	*Donald donn son of*
Fearadhach Finn	*Feradach Finn.*

II.

Genealach Clann Aidannso[46]	Genealogy of the Clan Ay here.
Fearchair mac	Ferchard son of
Imair mhic	Ivor son of

[44] From MS. 1467.

[45] The name of this abbot not given, but it must have been Labhran, from whom the clan takes its name.

[46] From MS. 1467.

Gillacrist mhic	Gilchrist son of
Gillaespic mhic	Gilespic son of
Gillananaemh mhic	Gillananaemh son of
Gillacrist mhic	Gilchrist son of
Cormac mhic	Cormac son of
Gillamitel mhic	Gillamichael son of
Aid mhic	Aidh son of
Gallbuirt mhic	Gallbuirt son of
Gillacatan mhic	Gillacatan son of
Domnaill mhic	Donald son of
Eogain mhic	Ewen son of
Pilip mhic	Philip son of
Disiab mhic	Shaw son of
Eirdi mhic	Erdi son of
Aengusa mhic	Angus son of
Finlaeic mhic	Finlaech son of
Carla mhic	Carla *son of*
Domnaill oig mhic	*Donald og son of*
Domnaill duinn mhic	*Donald donn son of*
Feradhach	*Feradach.*

Fourth Group—Clans said to be descended from Cormac, son of Airbeartach.

I.

Clans said to be descended from Feradach Finn through Cormac mac Airbeartach.

I.

Genealach Clann Ainnrias[47]	Genealogy of the Clan Andres.
Pal mac	Paul son of
Tire mhic	Tire son of
Eogain mhic	Ewen son of
Muredaig mhic	Muredach son of
Poil mhic	Paul son of
Gilleainnrias mhic	Gillandres son of

[47] From ms. 1467. The Earl of Ross grants a charter in 1366 to Paul Mactyre of the lands of Gerloch.

Martain mhic	Martin son of
Poil mhic	Paul son of
Cainnig mhic	Kenneth son of
Cristin mhic	Cristin son of
Eogain mhic	Ewen son of
Cainnig mhic	Kenneth son of
Cristin mhic	Cristin son of
Gillaeoin na hairde mhic	Gillaeoin of the Aird, son of
Eirc mhic	Erc son of
Loairn mhic	Lorn son of
Ferchair mhic	Ferchard son of
Cormac mhic	Cormac son of
Airbertaigh mhic	Airbertach *son of*
Fearadhach	*Feradach.*

II.

GENEALACH CEANN CAINNIG[48]	GENEALOGY OF THE CLAN KENNETH
Murchaid mac	Murdoch son of
Cainnig mhic	Kenneth son of
Eoin mhic	John son of
Cainnig mhic	Kenneth son of
Aongusa mhic	Angus son of
Cristin mhic	Cristin[49] son of
Cainnig[50] mhic	Kenneth son of
Gillaeoin oig mhic	Gilleeoin og son of
Gillaeoin na hairde	Gilleeoin of the Aird.

III.

GENEALACH MHIC MATGAMNA[51] ANSO SIS	GENEALOGY OF THE MATHESONS DOWN HERE.
Murechach mac	Murdoch son of
Donncaig mhic	Duncan son of
Murechach mhic	Murdoch son of

[48] From MS. 1467 and MacVurich.

[49] Gilchrist filius Kinedi appears in 1222 as a follower of MacWilliam.

[50] MS. 1467 has Agad by mistake for Cainnig, correctly given by MacVurich.

[51] From MS. 1467 and MacVurich.

Donnchach mhic	Duncan son of
Murechach mhic	Murdoch son of
Cainnig mhic	Kenneth[52] son of
Matgamna mhic	Matgamna (*or Mahan*) son of
Cainnig mhic	Kenneth son of
Cristin	Cristin.

IV.

Genealach mhic Duibsithi anso[53]	Genealogy of Macduffy here.
Domnall agus Niall agus	Donald and Niall and
Gillacolaim tri mhic	Malcolm the three sons of
Gillaespic mhic	Gillespic son of
Gillacrist mhic	Gillchrist son of
Gillacoluim mhic	Malcolm son of
Dubgaill mor mhic	Dougall mor son of
Duibsith mhic	Dubshithe (*or Duffy*) son of
Murechach mhic	Murdoch son of
Finlaeic cais mhic	Finlaech cas son of
Murechach mhic	Murdoch son of
Ferchair mhic	Ferchard son of
Cormac mhic	Cormac son of
Airbeartaigh mhic	Airbertach *son of*
Fearadaigh	*Feradach.*

II.

Clans said to be descended from Fearchair Abraruadh through Cormac mac Airbeartach.

Do Genealach mhic an Aba egne[54]	The Genealogy of the Mac-Nabs.
Gillamure mac	Gillamure son of
Eogain mhic	Ewen son of
Aengusa mhic	Angus son of
Macbethad mhic	Macbeth son of
Aengusa mhic	Angus son of
Gillamure loganaig mhic	Gillemure Loganaig son of

[52] Kermac Macmaghan appears in the Exchequer Rolls in 1264.

[53] From ms. 1467.

[54] From ms. 1467.

Ferchair mhic	Ferchard son of
Finnlaeic mhic	Finnlaech son of
Donnchaich mhic	Duncan son of
Firtired mhic	Firtired son of
Gillafaelan mhic	Gillafaelan son of
Gillamartan mhic	Gillamartan son of
Firtiread mhic	Firtired son of
Loairn mhic	Lorn son of
Fearchar mhic	Ferchard son of
Cormac mhic	Cormac son of
Airbeartaigh mhic	Airbertach *son of*
Erc mhic	*Erc son of*
Domnaill duinn mhic	*Donald donn son of*
Ferchar abraruadh mhic	*Ferchar Abraruadh son of*
Feradaig	*Feradach.*

III.

Clans said to be descended from Fearchar fada through Cormac mac Airbertach.

Genealach Clann Grigair[55]	Genealogy of the Clan Gregor.
Malcolaim mac	Malcolm son of
Padruic mhic	Patrick son of
Eoin mhic	John son of
Gregair mhic	Gregor son of
Donnchaich mhic	Duncan son of
Maeilcolaim mhic	Malcolm son of
Gillacrist mhic	Gillchrist son of
Ferchair mhic	Ferchard son of
Muredaigh mhic	Murdoch son of
Ainnrias mhic	Annrias (*or Andrew*) son of
Cormac mhic	Cormac son of
Airbertaigh mhic	Airbertach *son of*
Fearchar oig mhic	*Ferchar og son of*
Fearchair fada mhic	*Ferchar fada son of*
Fearadach finn	*Feradach finn.*

[55] From ms. 1467.

IV.

CLANS said to be descended from FEARCHAR FADA through Macbeth, son of Finlaech, and Cormac mac Airbertach.

I.

DO GENEALACH CLANN GUAIRE[56]	THE GENEALOGY OF THE CLAN QUARRY.
Ceallach mac	Cellach son of
Poil mhic	Paul son of
Cellach in enig mhic	Cellach, the liberal, son of
Turcaill mhic	Torquill son of
Ceallaig mhic	Cellach son of
Guaire mhic	Guaire (*or Quarry*) son of
Cormaic mhic	Cormac son of
Arbertaig mhic	Airbertach *son of*
Murechach mhic	*Murechach son of*
Fearchair [oig] mhic	*Ferchach og son of*
Mic Beathaidh mhic	*Macbeth son of*
Finlaeic mhic	*Finnlaech son of*
Fearchar fada mhic	*Ferchar fada son of*
Fearadaig mhic	*Feradach son of*
Fergusa	*Fergus.*
Turcuill Guaire agus Cormac tri meic eile Poil mhic Ceallaig anoinigh	Torquill, Guaire, and Cormac, three other sons of Paul, son of Cellach, the liberal.

II.

DO GENEALACH MHIC FINGAINE[57]	THE GENEALOGY OF THE MACKINNONS.
Niall mac	Niall son of
Gillabrigde mhic	Gillebride son of
Eogain mhic	Ewen son of
Gillabrigde mhic	Gillebride son of

[56] From MS. 1467 and MacFirbis.

[57] From MS. 1467 and MacFirbis.

Sean Eogain mhic
Finlaeic mhic
Fingainne o fuiled Clann Fingaine mhic

Cormac mhic
Airbeartaigh mhic
Murchertaigh mhic
Fearchair oig etc.
Fionnguine Ab Hi dearbhrathair do Niall mhic Gillebrigde

Old Ewen son of
Finlaech son of
Fingaine, from whom came the Clan Fingaine (*or Mackinnons*) son of
Cormac son of
Airbertach *son of*
Muirchertach son of
Ferchar og etc.
Fingaine Abbot of Iona was brother-german of Niall son of Gillebride.

III.

GENEALACH MHICGILLA MAOIL[58] GENEALOGY OF THE MACMILLANS.

Gillacoluim og mac
Gillacoluim moir mhic
Maolmuire mhic
Cainn mhic
Dubgaill mhic
Gillacoluim mhic
Gillacrist dar comhaimn an Gillamaol agus Clann an Mail mhic

Cormaic mhic
Airbeartaigh reamraieth
a se an tairbertach sin
do aitreabh da threibh deg
i Fionnlochlannach .i.
Greagraidhe na ngaisgeathach das comainim Muile
agus Tir no Tire aodha agus
Cruibhinis, no Craobhinis

Malcolm the young, son of
Malcolm mor son of
Maolmure son of
Cainn son of
Dougall son of
Malcolm son of
Gillchrist, called an Gillamaol (*or the tonsured servant*) from whom are the Clan an Mail (*or MacMillans*) son of
Cormac son of
Airbertach aforesaid
This Airbertach had twelve tribes inhabiting the Norwegian territory, viz. Greagraid of the Champions, commonly called Mull and Tiroda (Tiree) and Cruibhinis or Craobhinis (*or Island of Bushes*).[59]

[58] From MS. 1467 and MacFirbis.
[59] This is said to be an old name for Iona.

IV.

Genealach mhic Gillaagamnan[60]	Genealogy of the MacLennans.
Amurechach mhic	Murdoch son of
mhic	son of
mhic	son of
Murechach mhic	Murdoch son of
mhic	son of
Donnchach mhic	Duncan son of
Nicail mhic	Nicail son of
Gillaagamnan o fuil an fine[61] mhic	Gillaagamnan, from whom came the clan, son of
Cormac mhic	Cormac son of
Airbertaigh	Airbertach.

[60] From ms. 1467. Some of the names cannot be read.
[61] The Clan is here called Finé.

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